

August 3, 1971

# OPENINGS OF HEARINGS ON DEPARTMENT OF NATURAL RESOURCES

Mr. PERCY. Mr. President, I am very much pleased that the distinguished chairman of the Government Operations Committee, the Senator from Arkansas (Mr. McCLELLAN) has called for opening hearings on Thursday, August 5, on the bill creating a new Department of Natural Resources, S. 1431. As principal Senate sponsor of this proposed legislation on behalf of the administration, I am delighted that the Senator from Washington (Mr. JACKSON) is taking time, at Chairman McCLELLAN's request, from his work as chairman of the Committee on Interior and Insular Affairs to preside over these hearings in the full Government Operations Committee, of which he is also a member.

Senator JACKSON brings a wealth of experience in natural resource issues and programs, a dedication to conservation and environmental protection, and very great ability to this subject. He will be able to apply his first hand experience in all of the substantive aspects of natural resource programs and policies to create an ideal new structural framework for existing natural resource programs. The result, I am confident, will be a very sound bill.

The creation of such a new Department could make major improvements by coordinating planning of resource development projects. An article published in the Wall Street Journal of July 19, entitled "Waterway Wrangle," demonstrated again the waste and confusion resulting from the conflicting aims of the Agriculture Department's Soil Conservation Service, Interior Department agencies, and conservation groups. The issue is not whether stream channelization is good or bad in principle; the issue is more clearly one of better defining our objectives, planning without duplication and waste for measured land reclamation where necessary, and for maintaining natural habitats where desirable and where channelization is not clearly necessary.

The public has every reason to be frustrated with continued poor Government performance and every right to demand change.

I fully subscribe to the President's comments in discussing his top-priority programs with media executives in Rochester, New York, on June 18:

I simply would summarize the attitude of most people toward government in this way: most people are fed up with it. They are fed up with it at all levels. They are fed up with it because they think it costs too much, they think it doesn't work, and also they think they don't have anything to say about it.

Government reorganization, combined with revenue sharing, answers that fundamental concern of the American people. It will reduce the cost of government by making it more efficient. It will make it work better.

Thus I am pleased that Senator McCLELLAN has called for hearings on the proposed Department of Natural Resources. The witnesses now planned will be the Senator from Utah (Mr. Moss), who has over a period of years led in proposing new structures for natural re-

sources programs; Secretaries Morton and Hardin; the Under Secretary of Commerce, Mr. James Lynn; Atomic Energy Commissioners Larson and Lancy; the Under Secretary of the Army, Mr. Beal; the Chief of the Army Corps of Engineers, General Clarke; and the Associate director of the Office of Management and Budget, Mr. Weber.

## ADDITIONAL STATEMENTS

### U.S. INVOLVEMENT IN LAOS—PROCEEDINGS IN CLOSED SESSION

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in today's Record the expurgated transcript of the proceedings of the closed session of the Senate on June 7, 1971, and that subsequently it be published at the appropriate place in the permanent Record of June 7, 1971.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

### U.S. INVOLVEMENT IN LAOS

The PRESIDING OFFICER. If the Senate will indulge the Chair for a moment, the precedents and rules provide that any action taken now in the Senate is confidential, and that means that it is secret. It can be divulged only by special affirmative action by the Members of the Senate, or by a majority vote of the Senate.

Under section 2 of Rule XXXVI, when acting on confidential or executive business, unless the same shall be considered in open executive session, the Senate Chamber shall be cleared of all persons except the secretary, the chief clerk, the principal legislative clerk, the executive clerk, the minute and Journal clerk, the Sergeant at Arms, the assistant doorkeeper, and such other officers as the presiding officer shall think necessary.

Under recent practices, the word "assistant doorkeeper" as used in the rule, has been expanded to include the majority and minority secretaries.

Under previous practices, the Chair under his authority to retain "other officers as the presiding officer shall think necessary" retains the Parliamentarian and the Assistant Parliamentarian to aid him.

Mr. MANSFIELD. Mr. President, I also want to make it absolutely clear that the loudspeakers are shut off completely, in the cloakrooms and elsewhere. I would hope that the Sergeant at Arms would see that that is done.

### UNANIMOUS-CONSENT AGREEMENT

Mr. President, I send to the desk two unanimous-consent requests, the first having to do with Senate staff employees. I want to make it very plain that those who are on the list, if the Senate agrees that they should be present, must have the clearance that the ones previously allowed on the floor had.

The PRESIDING OFFICER. The clerk will state the first agreement.

The Senator from Montana (Mr. MANSFIELD) makes the following unanimous-consent request:

That during the closed session the following Senate staff employees be permitted the privileges of the floor to perform their official duties: The Official Reporters; the Secretary of the Senate, Francis Valeo; the Parliamentarian, Floyd Riddick; Journal clerk, Bernard Somers; chief clerk, Daniel St. Claire; legislative clerk, James Johnson; the secretary for the majority, J. S. Kimmitt; the assistant secretary for the majority Teddy Roe; the secretary for the minority, Mark Trice; the assistant secretary for the minority, William Brownrigg; majority policy committee staff members Charles D. Ferris and Daniel E. Leach; the following officials for the minority: William Hiltbrand, Cecil Holland, and Oliver Donipierre; and the following Senate officials: Robert Dunphy, the Sergeant at Arms; William Wannall, the Deputy Sergeant at Arms; and Nicholas Lacovara, the Assistant Sergeant at Arms.

The PRESIDING OFFICER. Does the Senator from Montana wish to include the Assistant Parliamentarian?

Mr. MANSFIELD. Only the Parliamentarian now.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

### PRIVILEGE OF THE FLOOR

Mr. CASE. Mr. President, I ask unanimous consent that my assistant, who specializes in matters relating to this specific question of troops in Laos and the American employment of mercenaries in Laos, be added to the list. His name is John Marks.

The PRESIDING OFFICER. Is there objection to adding this name to the list?

Mr. SYMINGTON. Mr. President, I ask unanimous consent that two staff members be allowed the privilege of the floor during my presentation. Their names are James G. Lowenstein and Richard M. Moose.

The PRESIDING OFFICER. Is there objection to these persons staying on the floor during the closed session?

Mr. STEVENS. Mr. President, reserving the right to object, I wonder if the chairman of the committee the Senator from Mississippi (Mr. STENNIS), has his people included?

Mr. MANSFIELD. Mr. President, the Senator from Mississippi will be taken care of.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I have received no request from the chairman of the Committee on Armed Services.

However, in view of the fact that this may well encompass part of his responsibility, I ask unanimous consent that the distinguished Senator from Mississippi (Mr. STENNIS) may be allowed to have the following staff members on the floor if he so desires: T. Edward Braswell and R. James Woolsey.

The PRESIDING OFFICER. Is there objection?

Mr. SYMINGTON. Mr. President, reserving the right to object, may I say to the able majority leader that I told the staff of the Armed Services Committee

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"(1) prescribe such regulations as it deems necessary governing the manner in which such functions shall be carried out;

"(2) appoint such officers and employees as may be necessary, and supervise and direct their activities;

"(3) utilize from time to time, as appropriate, experts and consultants, including panels of experts, who may be employed as authorized by Section 3109 of title V of the United States Code;

"(4) accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by law for persons in the government service employed without compensation;

"(5) rent office space; and

"(6) make other necessary expenditures.

"(b) If, in carrying out its functions under this section, the Board from time to time should require the services of personnel engaged in the generation, transmission and distribution of electric energy, it should seek such personnel from all segments of the electric power industry including investor owned, State and local public agencies, cooperatives, and Federal agencies.

#### REPORT

"Sec. 406. The Board shall prepare and submit to the President for transmittal to the Congress not more than six months after the passage of this Act and on the same day annually after that, a comprehensive report on the administration of this title for the preceding calendar year. Wherever possible, judgments contained in the report shall include a clear statement of the assumptions and data used. Such report shall include—

"(1) a thorough analysis and evaluation of research and development activities funded under this title;

"(2) a comprehensive evaluation of the areas most in need of research and development funding in the future;

"(3) an analysis of the possible and probable impact of emerging technologies on the present and future aspects of the following:

"(A) both the supply of and the demand for electrical energy;

"(B) the economy; and

"(C) the environment; and

"(4) the extent of cooperation with other Federal agencies and public and private institutions, indicating the difficulties and the Board's plans for improvement, including proposals for legislation if needed.

#### NEWSLETTER

"Sec. 407. (a) Not less than twice each month, the Board shall publish a newsletter (hereinafter referred to as the 'Newsletter'), which shall be made available to all interested persons and include—

"(1) abstracts of all approved grants, including a statement on the general nature of the work;

"(2) announcements of hearings;

"(3) summaries of promising developments; and

"(4) the information required elsewhere in this title.

"(b) The Board shall give notice by publication in the Federal Register and in the Newsletter at least 90 days before approval of any grant of \$5,000,000 or more and shall provide an opportunity for any interested party to comment on any such grant prior to approval. No grants may be approved until thirty days after completion of the time allowed for the comment of interested persons.

#### PROCEDURE

"Sec. 408. At least once each year the Board shall conduct a hearing on its proposed budget for the following fiscal year. Notice shall be given by publication in the Federal Register and in the Newsletter at least 60 days prior to its occurrence, the

scheduled date, time, and place of said hearing. In addition, at least 45 days before the hearing date, the Board shall publish in the Newsletter a complete statement of proposed programs in the next fiscal year. All interested parties should be granted an opportunity to testify. The Board can deny the request to testify only on the basis of good cause publishing the reasons therefor. A record shall be made of all hearings, and said record shall be available for public inspection. All reasonable and germane inquiries made at the hearing of the Board, or of the principal investigators where possible, must be fairly responded to on the record. The Board shall wait at least 30 days after the completion of the hearings to allow for the comment of interested parties before submitting its budget to the President.

#### PATENTS

"Sec. 409. Each contract, grant or other arrangement for any research or development activity supported by this title shall contain provisions effective to insure that all information, uses, processes, patents, and other developments resulting from that activity will be made freely and fully available to the general public. Nothing herein shall be construed to deprive the owner of any background patent of any right which he may have thereunder.

#### CIVIL PENALTY

"Sec. 410. Any person who violates any regulation established pursuant to this title shall be subject to a civil penalty of not more than \$10,000 for each violation or for each day of a continuing violation. The penalty shall be recoverable in a civil suit brought by the Attorney General on behalf of the United States in the United States District Court for the district in which the defendant is located or for the District of Columbia."

#### S. 2405

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 14 of the Natural Gas Act, as amended (15 U.S.C. 717m), is amended by adding three new subsections as follows:

"(1) The Commission is further authorized and directed to conduct studies of the production, gathering, storage, transportation, distribution, and sale of natural or artificial gas, however produced, throughout the United States and its possessions whether or not otherwise subject to the jurisdiction of the Commission, including the production, gathering, storage, transportation, distribution, and sale of natural or artificial gas by any agency, authority, or instrumentality of the United States, or of any State or municipality or political subdivision of a State. The Commission shall make an independent evaluation of the proven natural gas reserves of the United States identifying volumes in production and volumes not being produced and the reasons for such non-production and to update such evaluation annually. The evaluation of proven natural gas reserves shall be based on individual company data obtained directly by the Commission and independently evaluated by government experts. It shall, so far as practicable, secure and keep current information regarding the ownership, operation, management, and control of all facilities for such production, gathering, storage, transportation, distribution, and sale; the total estimated natural gas reserves of fields or reservoirs and the current utilization of natural gas and the relationship between the two; the cost of production, gathering, storage, transportation, distribution, and sale; the rates, charges, and contracts in respect to the sale of natural gas and its service to residential, rural, commercial, and industrial consumers, and other

purchasers by private and public agencies; and the relation of any and all such facts to the development of conservation, industry, commerce, and the national defense. The Commission shall report to Congress and may publish and make available as provided by subsection (a) the results of studies made under authority of this subsection.

"(j) The Commission in making studies, investigations, and reports under this section shall have authority to obtain reserve information from natural gas companies whether or not otherwise subject to the Commission's jurisdiction and shall publish the information annually in the form of an estimate of the nation's natural gas reserves, both proven and potential, with breakdowns by producing areas, identifying the volumes in each area not being produced. The Commission shall utilize, insofar as practicable, the services, studies, reports, information, and continuing investigational programs of existing departments, bureaus, offices, agencies, and other entities of the United States, and of the respective States. Nothing in this section shall be construed as modifying, reassigning, or otherwise affecting the investigating and reporting activities, duties, powers, and functions of any other department, bureau, office, or agency in the Federal Government."

"(k) Any natural gas company which fails to reveal its gas reserves to the Commission shall in addition to any other penalties which may be assessed, be automatically ineligible to bid on any leases on any federal lands until such information is supplied to the satisfaction of the Commission."

#### THE MILITARY CONSTRUCTION AUTHORIZATIONS, 1972—AMENDMENT

##### AMENDMENT NO. 368

(Ordered to be printed and to lie on the table.)

Mr. JAVITS, for himself, Mr. BAYH, Mr. HATFIELD, Mr. HUMPHREY, Mr. KENNEDY, Mr. MATHIAS, Mr. MCGOVERN, Mr. MOSS, Mr. PEARSON, Mr. PERCY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. TAFT, Mr. TOWER, Mr. TUNNEY, Mr. SCHWEIKER, and Mr. WEICKER, submitted an amendment intended to be proposed to the bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes.

##### AMENDMENT NO. 378

(Ordered to be printed and to lie on the table.)

Mr. CASE submitted an amendment intended to be proposed by him to the bill (H.R. 9844), *supra*.

#### NOTICE OF HEARING

Mr. JACKSON, MR. President, I announce for the information of the Senate and the public that on Wednesday, August 18, 1971, the Subcommittee on Minerals, Materials, and Fuels of the Senate Committee on Interior and Insular Affairs, will hold a public hearing in Billings, Mont., to obtain information on problems involving access and mineral exploration activities in the Custer and Gallatin National Forests of Montana. The hearing will be held at the Eastern Montana College, Billings, Mont., at 9 a.m.

Any Member of the Senate or of the general public who wishes to testify at this hearing should so advise the committee.

this morning that in case the distinguished chairman of the committee would like to have staff members on the floor, I would have no objection.

The PRESIDING OFFICER. There being no objection, it is so ordered.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I send to the desk the other unanimous-consent request and ask that it be stated.

The PRESIDING OFFICER. The request will be stated.

The legislative clerk read as follows: The Senator from Montana (Mr. MANSFIELD) makes the following unanimous-consent request:

That, at the conclusion of the closed session, the complete transcript of the proceedings be delivered by the chief reporter to the chairman of the Committee on Foreign Relations; that the transcript of the remarks of each Senator who participated in the debate be made available to that Senator for revision in the office of the Committee on Foreign Relations; that the chairman of the committee, with the assistance of sworn and security-cleared personnel, be authorized to expurgate the transcript, by deleting all classified material; that such expurgated copy be delivered to the chief reporter for publication at the appropriate place in the permanent CONGRESSIONAL RECORD; and that the chief reporter turn the short hand notes of the official reporters over to the Secretary of the Senate, to be kept in secret and not to be disclosed without leave of the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, on the basis of the declaration made by the presiding officer, the Assistant Parliamentarian be allowed to remain also.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### QUORUM CALL

Mr. MANSFIELD. Mr. President, if the Senator from Missouri will allow me, I would like to suggest the absence of a quorum briefly.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I would hope my colleagues would allow me to finish my statement, at which time I will be glad to yield for any observations or questions.

Mr. CASE. Would the Senator use the loudspeaker?

Mr. MANSFIELD. No, they are turned off.

Mr. SYMINGTON. The reason for requesting this executive session of the Senate was in order to discuss the situation in Laos and also the implications of those operations for the United States.

One of the implications which is of concern, as will be made plain in the

course of these remarks, relates to the future role of the U.S. Senate.

First, a brief description of what the United States is doing in Laos, and then let me discuss whether there is legal authority for what we are doing; also whether we can afford it and, if we can afford it, whether it is in our interest to do so.

Many of us believe that in a situation of this character we in the Senate have a right to know what we are actually doing and the right to participate in decisions as to whether or not the military operations in that country should continue.

In any case, in order to perform our constitutional role, that is, carry out the functions which the people who elected us now expect us to carry out, as I see it we have the obligation to inform ourselves about this war and thereupon the duty to form our own judgment.

After all, in Laos, every year, we are spending hundreds of millions of dollars of appropriated public moneys, and many will be surprised to know how much.

The executive branch currently directs this Laotian war, not through the Department of Defense, where clearly understood congressional controls apply; rather through the State Department and the Central Intelligence Agency, the latter an Agency which, through the National Security Council, reports directly to the President.

I do not cast any aspersions on that Agency, one which, in the main, has carried out properly and efficiently the orders which it has been given.

It is a fact, however, that the United States is currently paying for foreign troops, for mercenaries if you will, despite legislation which, by letter as well as intent, was designed to prohibit any such practice.

So much for the reasons for this session. I now turn briefly to what we are actually doing.

By way of introduction, let me first describe the process by which we obtained the information being presented to you today.

On January 27 of this year, the chairman of the Senate Foreign Relations Committee, Senator FULBRIGHT, wrote the Secretary of Defense asking for statistical information relating to the military situation in Cambodia and Laos similar to that information regularly supplied the committee with regard to Vietnam.

More than 2 months later, in a reply dated April 10, and signed by Assistant Secretary of Defense G. Warren Nutter, this request was refused.

The operative portion of said refusal read as follows:

I regret we are unable to comply with your request in this instance. It would not be at all appropriate to disclose outside the executive branch highly sensitive information on military combat operations of the kind your questions would elicit if answers were to be provided.

Chairman FULBRIGHT then replied on April 20, saying:

Would you please supply the committee with a list of the items which you consider in this category.

On May 5, Mr. Nutter responded as follows:

The information required to respond to the request is normally provided through U.S. personnel acting in a military advisory assistance role who accompany the Laos country forces on combat operations. However, the Geneva Accord, the so-called Cooper-Church amendment, and certain other restrictions imposed by the Congress have prohibited by law the presence of U.S. military advisory personnel in Laos and Cambodia which, in turn, effectively precludes reliable reporting to the Department of Defense information of that nature.

Because of the extraordinary nature of this correspondence, I ask unanimous consent that this exchange of letters be printed as a part of the record of this session and appear in the record at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, so ordered.

Mr. SYMINGTON. After this stated refusal by the executive branch to give the committee the information, two staff consultants of the committee, who are currently serving as staff members of the Subcommittee on U.S. Security Agreements and Commitments Abroad and who are on the Senate floor at this time, went to Laos late last April and early last May.

They took with them the list of questions about which the Defense Department said it did not have reliable information.

Nevertheless, during their 2-week stay, they obtained from U.S. civilian and military officials stationed in Laos and Thailand answers to all but one of the questions on the list and upon their return prepared for the committee a top secret report.

On May 21 this report was presented to a meeting of the subcommittee, to which the full committee was also invited, and, to say the least, all present found the contents of said report most disturbing.

With the approval of the chairman and members of the full committee, I thereupon decided to request this closed session so that the information contained in the report would be made available to all Members of the Senate.

May I emphasize that said report is classified top secret.

The major points it contains are the following:

First. It is clear to most observers in Laos that, from the military point of view, the situation in that country is growing steadily worse, with the initiative now in the hands of the enemy.

Since February, when South Vietnamese ground forces, supported by American air and logistical support launched the Lam Son 719 attack on the Ho Chi Minh Trail area of southern Laos, more territory than was under Lao Government control prior to that attack has now been lost.

Today two-thirds of the country, including the Plain of Jars as well as most of the Bolovens Plateau, is no longer under Government control.

The map at the back of the room shows in yellow the amount of ground in Laos, according to our most recent informa-

tion, that is controlled by the enemy, and the white shows what is not controlled by the enemy. Relatively small parts in the lower left-hand corner and the upper left-hand corner show, in shaded yellow, territory that is contested.

To the best of our knowledge, there are no plans for trying to retake and hold any of this territory, only hope; and even that hope is confined to holding the territory remaining under Government control.

North Vietnamese and Pathet Lao forces in Laos currently total between 115,000 and 139,000. (Three years ago they totaled some 92,000.) This compares with a total of 95,000 to 97,500 forces considered friendly to the United States.

Second. Since February 1970, this country has been using B-52's in northern Laos on "a regular basis" (B-52 operations against the Ho Chi Minh Trail area in southern Laos began years earlier); but the Foreign Relations Committee was never apprised of this fact; and it was only learned by our committee members as a result of this recent staff visit.

After discovery, the executive branch defended not letting the committee know by stating the question had not been asked. (No doubt many other pertinent questions have not been asked.)

But the committee did not have sufficient information to know what to ask.

The committee, as well as the public, was only informed about this regular use of B-52 bombers in northern Laos when the Under Secretary of State, testifying on May 3, 1971, in open session before the committee, was asked about these B-52 raids in northern Laos close to China. The question was asked as the result of the finding of the subcommittee staff.

At that time the Under Secretary was thereon asked how many B-52 sorties were being flown over Laos. He said he did not know, would have to obtain that information from the Defense Department.

The committee staff, however, had already been given these figures by the American Embassy in Vientiane; and their report tells us that in the first 4 months of this year, [deleted] B-52 sorties were flown over northern Laos, compared with [deleted] such sorties in all of 1970.

Third. The United States continues to train, arm and feed the Royal Lao Army and Air Force. Also, through the CIA, our Government trains, pays, advises supports and, to a great extent, organizes a large number of Lao irregular military units.

These irregulars, whose present strength is about 30,000 [deleted] include combat elements almost as large as those of the Royal Lao Army.

These combat elements, known as BG (for Bataillons Guerriers) units, constitute the most effective force now opposing the North Vietnamese and Pathet Lao; and, as such, they are bearing the brunt of the most critical fighting in Laos. They are found not only in military region II, which is commanded by General Vang Pao, but in every other military

region of Laos except the region immediately around Vientiane.

The cost of maintaining this irregular army is increasing every year, primarily because of the rising costs of air transport and ammunition. That figure, our staff people were told, is now estimated to be around [deleted] million annually.

Fourth. In addition, the United States is currently operating a large civilian air fleet in Laos. This fleet includes about 20 aircraft rented from the U.S. Air Force. (During this fiscal year local air transport costs alone amount to some \$30 million.)

Fifth. [Deleted].

Sixth. For their part, the Chinese presence has increased in northern Laos, from between 6,000 and 8,000, as of 2 years ago, to between 14,000 and 20,000 at the present time.

The road the Chinese are building in northern Laos has been improved in recent months; and its antiaircraft and associated radar have been heavily increased. (In the opinion of knowledgeable U.S. officials, from an antiaircraft standpoint that area is now one of the most heavily defended areas in the world.)

This area of northern Laos is considered out of bounds to U.S. combat planes, but it has been bombed at least twice and repeatedly overflown by planes of the Royal Lao Air Force. The latter planes are unmarked T-28's provided by the United States. In addition [deleted].

We were told that, whether related or not, the rapid buildup of this antiaircraft defense system followed these Lao air attacks.

[Deleted].

Seventh. [Deleted] there are [deleted] Thai soldiers in Laos.

The Thai forces in Laos are part of an irregular program. They are employed in conjunction with other, in effect, CIA-directed irregulars in Laos. They are recruited in Thailand. All costs are paid by the CIA, however, including both salaries and allowances.

These Thai forces are flown into Laos by Air America planes which in turn are hired by the U.S. Government.

If any of these Thai are wounded, at least some are thereupon evacuated by Air America to a U.S. Air Force field hospital at the Royal Thai Air Force Base at Udorn, in northern Thailand.

The facts with respect to U.S. support for Thai forces presently fighting in northern Laos were provided to the staff by U.S. Government officials. On their face they describe a situation which contravenes not only the intent, but also the actual letter, of the Fulbright amendments to last year's Defense authorization and appropriation bills. These amendments were specifically designed to prohibit the hiring of foreign troops, such as Thais, to defend the Governments of either Laos or Cambodia.

In recent exchanges of correspondence, letters from the State Department in reply to questions from Senator Fulbright and Senator Case acknowledge that the United States is paying Thai forces to fight in Laos. I ask unanimous consent that these letters also be printed in the record at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, so ordered.

Mr. SYMLINGTON. In a labored effort to justify this secret operation, Assistant Secretary of State Abshire made the following extraordinary statement in his letters to Senators Fulbright and Case:

We believe that it has been made clear that this is not a question of U.S. support for regular Thai forces in Laos. The irregular forces involved, while raised and trained in Thailand, are all one-year volunteers who go to Laos to serve under the command of the Royal Lao Government; in this case the Lao Military Region II Commander. These guerrilla forces are therefore considered to be local forces in Laos.

Commonsense forces one to ask, however, how can these Thai irregulars in Laos be described as "local forces."

They are Thai, not Lao. They are recruited in Thailand, not Laos. They are [deleted].

[Deleted].

Eighth. The cost of our military assistance program in Laos is rising rapidly. In the fiscal year 1970 it was funded originally at \$74.2 million. According to information given our staff by U.S. officials in Laos, however, it would seem to have actually cost about double that amount—\$146.4 million.

The program figure for the fiscal year 1971 has already risen to \$162 million; and the amount presently being programmed for the fiscal year 1972 has risen to \$252 million, double the amount of the original estimate of new funds needed.

Most of these increases were described to our staff as being the result of the increased cost of ammunition. Ammunition alone for Laos will cost \$136.3 million in fiscal year 1972.

In sum, during the next fiscal year the military assistance program for our Laotian operations will be three times as large as the program was in 1967; and 25 times as large as it was when it first began, in 1963.

At least as disturbing as the constantly rising cost of this program, however, is the fact that over the years the true magnitude of the increase has been concealed from the Congress; and one of the primary purposes of this session is to present that fact to your attention.

To our knowledge the Department of Defense has never acknowledged—certainly never voluntarily—that this program is costing far more than the amounts specified in the authorization requests.

As but one example, during this year's authorization hearings the figures given to the Armed Services Committee by the Defense Department as the cost of funding the 1970-71 programs were those of the amounts originally requested; but on the basis of what our staff was told by our own officials in Vientiane, 1970 program costs were \$72 million higher than the amount Congress thought it had authorized in new funds.

The program costs for 1971 will be \$45 million higher than the amount of new funds requested; and before the fiscal year 1972 even begins, plans are being made to spend more than twice the

amount currently being requested of the Congress in new funds by the executive branch.

Ninth. The Laos AID program for this year—Fiscal 1971—has amounted to some \$52 million. Some \$16 to \$18 million of this figure goes to the Foreign Exchange Operations Fund, the fund through which the Royal Lao Government obtains 90 percent of its foreign exchange. Other countries also contribute to the fund, but we provide about three-fourths of the total amount required to support the value of Lao currency abroad.

Tenth. The budget for the Government of Laos for this year is the local currency equivalent of \$36.6 million; whereas only a partial total of anticipated U.S. expenditures in Laos during the fiscal year 1971 comes to \$284.2 million. In other words, this year, in Laos, the United States will be spending, at a minimum, almost eight times more than the total Government budget in that country.

This latter figure includes the \$162.2 million being spent by the service funded Military Assistant Program, although even that figure may turn out to be low; the \$52 million AID program; and the [deleted] million spent by CIA; but it does not include any further increases in military assistance, the cost of the Thai irregulars, the administrative costs of maintaining some 1,200 military and civilian American Government employees in Laos, or the heavy price the American taxpayer also pays for United States air operations in and over Laos.

Consider the fact that this partial total of United States expenditures nevertheless amounts to \$141 per capita for the estimated 2 million Lao people under Government control, as compared to an estimated per capita gross national product for those same people of \$66.

And that is not all. The military assistance presently scheduled for next year will increase these partial United States expenditures to at least \$374 million. That is \$187 per capita, almost three times the per capita gross national product of this impoverished and war ravaged country.

Let me again present to the Senate, however, that the only figure so far actually released by the executive branch for any category of assistance to Laos is the \$52 million AID program, about one-sixth of the true estimate of expenditures in Laos in this fiscal year.

Eleventh. Finally, the executive branch would appear determined to maintain that perhaps unprecedented secrecy which for so long has characterized United States operations in this country.

It has been argued that, for many reasons, this secrecy is necessary: examples, to avoid offending the sensibilities of Thai Government; to avoid violating the agreements we have with that Government under which we use Thai air bases for operations against three other countries—North Vietnam, Cambodia and Laos—[deleted] in Thailand; and [deleted] Thai to fight in Laos.

It is also argued that the Central Intelligence Agency, which runs by far the most effective government military force

in Laos, is not accustomed to operating in public; and that to do so would jeopardize its operations in other countries.

Underlying both of these arguments appears to be the view, never stated directly, that while much of what the United States is doing does violate the Geneva Accords of 1962, the North Vietnamese also violate the Accords; but they do not admit their violations. Accordingly, those who hold this view argue that if we were to admit publicly what we were, and are, actually doing, that would further complicate whatever possibility there may be of reactivating the Geneva Accords at some point in the future.

So much for what one member of the committee, after hearing this staff report, described as the "lurid tale" of our activities in Laos.

It is obvious that unless the Congress of the United States takes action now, these activities will continue.

Our military strategy, as described out there to our staff, would appear to be one of regarding the war in Laos as an adjunct to our military strategy in Vietnam. This, they were told, ties down North Vietnamese divisions and permits the use of U.S. air power, in conjunction with South Vietnamese ground forces, so as to exploit Lao territory to interdict the Ho Chi Minh Trail.

This, we are also told, will buy more time for Vietnamization.

What we have not been told, however, is how long these operations will continue.

The stated aim of Vietnamization is to spend these billions in order to put the Thieu-Ky Government of South Vietnam in a position to defend itself after U.S. forces have been withdrawn.

But what about Laos?

Surely the Lao are in no position to defend themselves; and the South Vietnamese have shown they are not capable of fighting in Laos even with extensive U.S. air support.

Are we to believe our involvement in Laos will end when our troops are withdrawn from Vietnam?

Or are we planning to stay, and fight, and pay for others to fight indefinitely?

To our knowledge, the administration has never disclosed any "future plans" for Laos.

Could it be they have no such plans?

In any case, as the staff report concludes, it has now become clear that the United States is using the people of Laos for its own purposes, at a startlingly heavy increased cost to our taxpayers in money, and to the Lao people in terms of destroyed hopes, destroyed territory, and destroyed lives.

Based on the above facts, we believe the time has now come for another effort by the Congress to limit the extent and nature of our long secret involvement in this war-torn country.

Experience would imply that one way, and the most effective way, to accomplish this would be to place a limitation on the amount of money our Government can spend in Laos. To that end, \$200 million should surely be enough for our Laos operations during this coming fiscal year.

If this administration believes it needs

more, it should come to the Congress and justify any need for additional military and financial effort.

The American people and their representatives have the right to know more about the amount of money now being spent and more about the uses to which that money is being put in this long, undeclared and secret war.

As just one example, why should the military assistance figures for Laos be classified, while those for Cambodia are made a matter of public knowledge?

For 6 years I have done my best to find out what has been going on, and is going on, in this little country. One cannot overemphasize the fact that, even with this staff report, we of the Foreign Relations, Armed Services and Appropriations Committees have only partial knowledge of what the United States is doing, and spending, this year in Laos.

We know about the amount being spent for economic aid, because we appropriated it; but we should have more of the truth about the amount actually being spent for military assistance.

And nobody knows the amounts the CIA is spending while under orders from the executive branch to continue to supervise and direct this long and ravaging war.

To summarize, whereas the American public has been led to believe that in the fiscal year 1971 in Laos we are spending \$52 million, we now know that during this fiscal year at least \$284.2 million will be expended; and we have every reason to believe the actual figure is much higher.

The Senate has never had the opportunity to bring to bear its collective judgment on the cost of our Laotian activities, let alone the opportunity to consider, based on the facts, the wisdom of continuing these activities.

Laos stands out as but one more example of the manner in which excessive secrecy is depriving the Congress of information essential to the exercise of its constitutional responsibilities.

In the case of the Thai mercenaries, we were told one thing while something else was being done, a clear abuse of the constitutional authority possessed by the Congress when it comes to its authority over the raising of money, not to mention its war-making powers.

With respect to Laos, not only has there been no declaration of war, to the best of our knowledge there has been no statement of policy on the part of the Congress.

Let's face it. We have been appropriating money for this war in the blind. The Senate's constitutional role of advice and consent has been ignored.

Our advice has not been asked for, let alone our consent given.

Every member of this body will want to satisfy himself as to whether or not the facts presented here today are true.

To the best of our knowledge they are true; and if they are, their meaning is clear. The Senate must act, now, to reassert its constitutional rights when it comes to the waging of war. If it does not do so, who will deny that the legislative arm has become the servile arm of this Government.

\* \* \* \* \*



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## CONGRESSIONAL RECORD — SENATE

August 3, 1971

With the consent of the Senate, the two staff members in question who visited Laos this spring are now with us on the floor. They have copies of their top secret report which any Senator can look at at this time; or, if preferred, the report can be looked at in the committee room of the Foreign Relations Committee. We ask that no copy of this report be removed from this chamber at this time; also that every copy looked at be returned to the staff members in question.

Mr. PRESIDENT, at some time after this closed session I shall introduce an amendment to S. 939, a bill to authorize appropriations during the fiscal year 1972 for the procurement of aircraft, missiles, naval vessels, and so forth. That amendment follows:

[S. 939, 92d Cong. First Sess.]

IN THE SENATE OF THE UNITED STATES

Referred to the Committee on Armed Services and ordered to be printed.

## AMENDMENT

Intended to be proposed by Mr. Symington to the bill (S. 939) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes, viz: At the end of the bill add a new section as follows:

Sec. 502. (a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other Act may be obligated or expended in any amount in excess of \$200 million for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, services, personnel, or advisors in, to, for, or on behalf of Laos during the fiscal year ending June 30, 1972.

(b) No funds may be obligated or expended for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Laos in any fiscal year beginning after June 30, 1972, unless such funds have been specifically authorized by law enacted after the date of enactment of this Act. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated or expended for any such purpose during such fiscal year.

(c) The provisions of subsections (a) and (b) of this section shall not apply with respect to the expenditure of funds to carry out combat air operations over the so-called Ho Chi Minh trails in southern Laos, and over areas immediately adjacent to such trails, by United States military forces.

(d) After the date of enactment of this Act, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Laos for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be expended in such fiscal year.

(e) The President shall submit to the Congress within 30 days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1971, a written report showing the total amount of funds expended in, for, or on behalf of Laos during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount expended, describing the different purposes for which such funds were expended and the total amount expended for each such purpose.

Mr. President, I thank the Senate for its courtesy in listening to these remarks.

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
January 27, 1971

HON. MELVIN R. LAIRD,  
Secretary of Defense,  
Washington, D.C.

DEAR MR. SECRETARY: As you know, at the request of the Committee on Foreign Relations the Department of Defense has, for some time, been supplying it with monthly statistical data relating to the situation in Vietnam. This information has proved to be extremely valuable in following developments there.

The Committee is finding it increasingly difficult to keep abreast of the rapid developments in Cambodia, Laos, and North Vietnam, and I believe that a monthly report containing data relating to those countries would be helpful. The Committee would, therefore, appreciate the Department's cooperation in supplying, on a monthly basis, the information requested on the enclosed list.

I, of course, have no objection to your making this information available to other interested congressional committees, as was done in the case of the Vietnam reports.

Sincerely yours,

J. W. FULBRIGHT,  
Chairman.

[Enclosure]

## MONTHLY DATA ON MILITARY OPERATIONS IN SOUTHEAST ASIA

## Cambodia

1. Size of Cambodian Armed Forces:
  - (a) Trained and Combat Ready
  - (b) In training (specific location if outside Cambodia) or other
  - (c) On duty outside Cambodia (other than training)
2. Number of friendly foreign troops in Cambodia:
  - (a) South Vietnamese
  - (b) Other (specify)
3. Number of enemy troops in Cambodia:
  - (a) North Vietnamese/Viet Cong
  - (b) Cambodian Communist
  - (c) Engaged in combat operations:
    1. against Cambodian forces
    2. against South Vietnam forces
4. Combat air operations in Cambodia:
  - (a) Sorties flown by:
    1. U.S. planes
    2. Sorties flown by Cambodian planes
    3. Sorties flown by South Vietnamese planes
    4. Sorties flown by Thais or other forces
  - (b) Ordnance expended (bomb tonnage and other) by U.S. aircraft in Cambodia:
    1. B-52
    2. other fixed wing aircraft
    3. helicopter gunships, etc.
5. Casualties (military):
  - (a) Enemy killed, wounded and captured
  - (b) Cambodian killed, wounded and missing
  - (c) South Vietnamese killed, wounded and missing
  - (d) U.S. casualties or missing as a result of air or other operations
6. Transport and Supply Operations:
  - (a) Number of flights flown by U.S. military transport aircraft to Cambodian airports
  - (b) Number of U.S. helicopter transport flights flown in Cambodia
  - (c) Number of air drop missions flown by U.S. aircraft in Cambodia
  - (d) Number of transport flights by U.S. non-military aircraft (Air America, etc.)
  - (e) Number of transport flights by South Vietnamese or other aircraft

- (f) Number of supply missions by South Vietnamese naval vessels
- (g) Please provide copies of any contracts or agreements with foreign government or private entities relating to supply or transport operations in Cambodia, including data on amounts paid or reimbursed for such services and the sources of the funding.

7. Payments made by the United States to South Vietnam or other countries for operations in or services rendered in behalf of Cambodia:

- (a) Amounts or any such payments and the purpose
- (b) Provide copies of any agreements entered into by the United States concerning payments to foreigners for services rendered in or in behalf of Cambodia and the source of the funding

8. Number of U.S. personnel involved:

- (a) Number of U.S. personnel attached permanently or temporarily to the U.S. Embassy in Cambodia—civilian, military
- (b) Number of visits in Cambodia by U.S. personnel in a TAD or other temporary status and total number of days of such duty by all personnel during the month
- (c) Number of U.S. personnel in South Vietnam, Thailand, or Laos whose duties relate to operations in Cambodia, including training and logistics operations

9. U.S. Naval operations:

- (a) Number and type of U.S. ships operating in or near Cambodian waters during the month engaged in operations relating to Cambodia
- (b) Number of visits to Cambodian ports by U.S. naval vessels engaged in supply or transport operations

10. Estimated number of U.S. prisoners held in Cambodia:

## Laos

1. Number of United States personnel in Laos:

- (a) Civilian (government employees)
- (b) Military
- (c) Personnel on temporary duty, civilian and military (total number of man-days)
- (d) Contractor employees (Air America, etc.)

2. Number of friendly military forces:

- (a) Regular Laotian Armed Forces
- (b) Irregular Forces
- (c) Thai Forces in Laos
- (d) Other Forces in Laos (Cambodian, South Vietnamese, etc.)

3. Enemy forces in Laos:

- (a) Pathet Lao
- (b) North Vietnamese
- (c) Viet Cong

4. Air Operations in Laos:

- (a) U.S. air sorties over Northern Laos and munitions expended

1. B-52

2. Other aircraft

- (b) U.S. air sorties over Southern Laos and munitions expended

1. B-52

2. Other aircraft

- (c) Air sorties by Laotian forces and munitions used

5. Casualties—killed or wounded:

- (a) United States
- (b) Laotian
- (c) Other friendly
- (d) Enemy

6. Incursions into Laos from South Vietnam or Cambodia:

- (a) Purpose, date and number of U.S. and foreign personnel involved in each incursion

7. Please provide copies of any contracts

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or agreements entered into during the month between the United States and other countries or private parties relating to military operations in Laos.

8. Estimated number of U.S. prisoners held in Laos:

*North Vietnam*

1. U.S. air operations over North Vietnam:
  - (a) Number of reconnaissance flights flown
  - (b) Number of escort sorties flown
  - (c) Number of helicopters or other manned aircraft sorties flown
  - (d) Number of drone flights
2. Enemy actions and U.S. losses:
  - (a) Number of times U.S. aircraft were fired upon while over North Vietnam
  - (b) Number of times U.S. aircraft were fired upon from North Vietnam while over Laos
  - (c) Number of U.S. aircraft lost (by type) over North Vietnam due to enemy fire
  - (d) Number of U.S. aircraft lost over North Vietnam (by type) not as a result of enemy fire
  - (e) U.S. personnel losses
3. Retaliatory action taken:
  - (a) Number of times North Vietnam targets were attacked
    1. Number of aircraft involved in retaliatory actions
    2. Quantities of munitions used in retaliatory action
4. Description of actions by South Vietnamese or other forces in North Vietnam.
5. Estimated number of U.S. prisoners held in North Vietnam.

ASSISTANT SECRETARY OF DEFENSE,  
INTERNATIONAL SECURITY AFFAIRS,  
Washington, D.C., April 14, 1971.

HON. J. W. FULBRIGHT,  
Chairman, Committee on Foreign Relations,  
U.S. Senate,  
Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Laird has asked me to respond to your letter of 27 January in which you requested that the Senate Committee on Foreign Relations be furnished, on a continuing basis, a detailed monthly report on military operations in Southeast Asia.

I regret that we are unable to comply with your request in this instance. Deputy Secretary Packard's letter to Senator Symington of 11 June 1970, a copy of which Senator Symington forwarded to you, pointed out that it would not be at all appropriate to discuss or disclose outside the Executive Branch highly sensitive information on military combat operations of the kind which your questions would elicit if answers were to be provided.

Sincerely,

G. WARREN NUTTER,

THE DEPUTY SECRETARY OF DEFENSE,  
Washington, D.C., June 11, 1970.

HON. STUART SYMINGTON,  
Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad,  
Senate Committee on Foreign Relations,  
Washington, D.C.

DEAR SENATOR SYMINGTON: I understand that when Generals Burchinal and Polk appeared as witnesses before your Subcommittee in late May, they were requested to make available to the Subcommittee copies of written instructions they had received both in connection with the European trip of staff members Pincus and Paul and with reference to their testimony before your Subcommittee.

I am sure you will appreciate that those instructions, by definition, were documents intended solely for internal use within the Department of Defense and I would hope that

you would agree with me that such documents should not be distributed outside the Executive Branch.

From your personal experience as a former Secretary of the Air Force, you are well acquainted with the fact that, on the basis of custom, tradition, usage and precedent, the Legislative and Executive Branches have come to accept and recognize that there are certain matters which, for varying reasons, are not normally discussed outside the Executive Branch. The instructions in question contained topics meeting that general description for the most part and included such items as military contingency plans, National Security Council documents, Inspector-General Reports of investigations, matters still in the planning, proposal stage upon which no decision has been reached, operational procedures and methods involving the risk of life or safety of military personnel, and so forth.

Early in the Subcommittee hearings, a misunderstanding apparently developed in connection with the handling or manner of treatment of information on nuclear weapons, a misunderstanding which, as I understand it, has been resolved by the briefing given to the Senator Committee on Foreign Relations on 27 May 1970.

These categories of information are those which have become widely accepted and generally recognized as topics which in the national interest, should be strictly limited in either dissemination or discussion. Be assured that any prohibitions against discussing such topics apply to all testimony and were not, of course, restrictive solely to witnesses appearing before your Subcommittee.

Secretary Laird asked me to convey his apology for the delay in responding to your request, a delay which was occasioned by the urgency of preparing for his trip to Europe.

I trust that you will find this responsive to your Subcommittee's interest in this matter.

Sincerely,

DAVID PACKARD.

APRIL 20, 1971.

HON. G. WARREN NUTTER,  
Assistant Secretary for International Security Affairs, Department of Defense, Washington, D.C.

DEAR MR. NUTTER: I wish to acknowledge your letter of April 10 in reply to the Committee's request for a monthly report on certain developments in Cambodia and Laos.

You state that the information requested would involve "highly sensitive information on military combat operations" which would not be "appropriate to discuss or disclose outside the Executive Branch." Would you please provide the Committee with a list of the items requested which you consider to be in this category. In order to avoid further delay and without passing on the merits of the Department's position on those items, I would appreciate your providing the Committee with monthly reports on the other items not in this category.

Sincerely yours,

J. W. FULBRIGHT, Chairman.

ASSISTANT SECRETARY OF DEFENSE,  
INTERNATIONAL SECURITY AFFAIRS,  
Washington, D.C., May 5, 1971.

HON. J. W. FULBRIGHT,  
Chairman, Committee on Foreign Relations,  
U.S. Senate,  
Washington, D.C.

DEAR MR. CHAIRMAN: This will acknowledge the receipt of your letter of April 20, 1971, relative to our exchange of correspondence in connection with the request of the Senate Committee on Foreign Relations to be provided a monthly report on a continuing basis of certain military combat opera-

tions conducted by U.S. forces and the indigenous forces of the governments of Laos and Cambodia.

The information required to respond to questions concerning the size and combat readiness of indigenous armed forces, their air and ground combat operations, the enemy forces they encounter and the casualties they inflict and sustain, etc., is normally provided through U.S. military personnel acting in a military advisory assistance role who accompany the host country forces on combat operations. However, the Geneva Accords, the so-called Cooper-Church Amendment and certain other restrictions imposed by the Congress in enacting the Defense Authorization Bill have, in combination, prohibited by law the presence of U.S. military advisory personnel in Laos and Cambodia which, in turn, effectively precludes reliable reporting to the Department of Defense of information of that nature.

Additionally, there are a number of other questions that were posed such as those relating to U.S. civilian personnel in Laos and Cambodia who are employed either by other U.S. Government agencies or by private contractors that do not fall under the cognizance of the Department of Defense.

Finally, the possibility that identical or similar missions or military operations may be required in the same general geographical area at some indefinite future date creates a sensitivity that precludes discussing, outside the Executive Branch, specific details with respect to cross border incursions by allied forces, intelligence gathering operations, frequency and area of coverage of reconnaissance and attack sorties, types of aircraft employed and types and tonnages of ordnance expended, etc.

Again, I regret that we are unable to respond to your Committee's request in this instance.

Sincerely,

G. WARREN NUTTER.

APRIL 28, 1971.

HON. WILLIAM P. ROGERS,  
Secretary of State,  
Washington, D.C.

DEAR MR. SECRETARY: I enclose a news article from the *Christian Science Monitor* of April 17 reporting that the United States is providing financial backing for Thai forces operating in Laos. Would you please provide the Committee with a copy of any agreements relating to U.S. support or the use of Thai forces in Laos, as well as the full details of any U.S. funding of such operations.

Sincerely yours,

J. W. FULBRIGHT, Chairman.

[From the *Christian Science Monitor*,  
Apr. 17, 1971 (19)]

THAI FORCE IN LAOS—U.S. TO FINANCE  
FOREIGN TROOPS

(By George W. Ashworth)

Nixon-administration officials have hammered out an agreement with the Government of Thailand for sharply increased use of Thai forces in Laos.

The American Government has reportedly agreed to provide the financial backing necessary for Thai troops to help bolster the South Vietnamese-United States position in Laos.

Officially, neither the North Vietnamese nor the Americans are involved in Laos. However, both sides are heavily involved in fact and have been for years. The North Vietnamese have provided the backbone needed by the Pathet Lao for their insurgency. And the Americans, largely through the Central Intelligence Agency (CIA), have advised and paid for much of the war effort, particularly around the Plain of Jars.

Thai troops are known to have been in Laos for six or seven years. But until late

August 3, 1971

last year, the number was relatively small. This time last year, there were perhaps 1,000 Thais fighting on the South Vietnamese-American side in Laos.

Now, the U.S. is providing most of the financial backing for a force in Laos of between 4,000 and 6,000 Thais, according to unofficial estimates.

#### OPEN-ENDED AGREEMENT?

According to sources, the agreement between the U.S. and Thailand on the use of Thai troops in Laos is open-minded. As one official put it, "The Thais are ready to send in just about as many troops as we are willing to pay for."

The Pentagon refuses to discuss Thai involvement in Laos. Queried, a Pentagon spokesman suggested that the Thais were the only persons who could provide details.

One reporter in the field, Tammy Arbuckle, reported in January in the Washington Star that Thai forces were alleged to have operated in northeastern Thailand with other troops in an attempt to cut Route 7, Hanoi's major supply route to the critical Plain of Jars. The attempt failed.

Mr. Arbuckle also reported a 155-mm howitzer battery overrun near Muong Soui had been removed to the greater safety of the allied base area at Long Chien and provided protection by Thai infantrymen. Other Thai troops have been operating in parts of Laos near the Thai border.

Thai manpower has been increased substantially since Mr. Arbuckle reported from the field, according to sources here. The buildup apparently began as soon as the Thais were assured of U.S. financial backing.

#### MATTER CLOSELY HELD

Although the Thai involvement is a very closely held matter, particularly in the Pentagon, some outside the defense establishment are aware of some details of the new move. Sources report a growing concern among some in the government that the Thai involvement in Laos may soon become too expensive to be absorbed within regular defense expenditures.

Although the cleanest way to handle the matter, at least in financial terms, would be a request to Congress for a supplemental appropriation, such a request almost surely would be a hot political matter. For the moment, the costs are being absorbed with increased difficulty.

There appear to be several reasons for the increased Thai involvement:

Most importantly, perhaps, the Thais were willing to help in Laos if most of the bill were picked up. For several reasons the Thai Government considers the insurgency in Laos a matter of substantial concern. And concerns have not been eased by the Chinese construction of a road from Dien Bien Phu across Laos toward Thailand. The insurgency of Thailand is now a quite serious matter.

In some respects, the tide seems to have tipped against the Royal Lao side in the continuing fighting. Until 1969, the fighting between the neutralist forces and the Pathet Lao backed by Hanoi had been an ebb-and-flow sort of warfare with territory changing hands in a fairly regular pattern depending upon the seasons. Then, in 1969, Gen. Vang Pao and his Meo troops, with heavy American air backing, pushed strongly against the Communists on the plain, capturing large numbers of supplies and causing heavy enemy casualties. The Communist response was to press back harder than before, and the pressure has continued.

The Nixon administration undoubtedly would like to see the neutralist regime in Laos survive. This is seen as important both for the non-Communist factions in Laos and for the other beleaguered nations in Indo-China.

Given the nature of the conflict in Laos, congressional views, and the presidential

determination to pursue the Nixon doctrine, the use of regular American troops in Laos was unthinkable.

DEPARTMENT OF STATE,  
Washington, D.C., May 19, 1971.

HON. J. W. FULBRIGHT,  
Chairman, Committee on Foreign Relations,  
U.S. Senate,  
Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of April 23, 1971, enclosing an article from the Christian Science Monitor of April 17 concerning US financial support for Thai forces operating in Laos. Senator Case wrote on April 23, 1971 about the same article, and we are providing the same information to him. As Under Secretary Irwin said on May 3, we understand your Committee was briefed on this subject in executive session by Mr. Helms on March 23.

We believe that it has been made clear that this is not a question of US support for regular Thai forces in Laos. The irregular forces involved, while raised and trained in Thailand, are all one-year volunteers who go to Laos to serve under the command of the Royal Lao Government; in this case the Lao Military Region II Commander. These guerrilla forces are therefore considered to be local forces in Laos.

There are no written agreements between our Government and the Governments of Thailand or Laos concerning this program; all arrangements were made orally.

The expenses for the US support of this effort have been met from current appropriations. Although the administration of this activity does not fall under the Department of State, it is our understanding that these expenditures are within present authorities.

May I suggest that upon his return from a visit to East Asia, Assistant Secretary Marshall Green give an oral briefing to your Committee which would bring you up to date and put this program into proper perspective?

Sincerely,

DAVID M. ABSHIRE,  
Assistant Secretary for  
Congressional Relations

U.S. SENATE,  
Washington, D.C., April 23, 1971.

HON. WILLIAM P. ROGERS,  
Department of State,  
Washington, D.C.

DEAR MR. SECRETARY: I am enclosing from the April 17 Christian Science Monitor George Ashworth's article which reports that the Administration has reached an agreement with the Government of Thailand for a sharp increase in Thai troops to be used in Laos. Mr. Ashworth notes that the United States Government has reportedly agreed to provide the financial backing to support the Thai troops.

I would appreciate it if you could comment on the accuracy of what Mr. Ashworth has written and then, assuming his information is correct, answer the following questions.

1. Does the Administration consider the financial support of Thai troops in Laos to be in accord with the Cooper-Church provisions in the 1970 Defense Appropriations Act which bans the payment of mercenaries except to protect a safe and orderly American withdrawal or disengagement from Southeast Asia or to aid in the release of United States prisoners.

2. Does the Administration intend to submit the agreement with Thailand to the Senate as a treaty?

3. What are the specific terms of the United States agreement with the Thai Government including the cost to the United States Government and the agreement's duration?

4. Does the Administration intend to re-

quest supplemental appropriations to pay the costs of agreement or will existing funds be reprogrammed?

5. Has the United States Government made any assurances to the Thai Government of United States support in event Thai troops in Laos encounter difficulties?

Sincerely,

CLIFFORD P. CASE, U.S. Senate.

THAI FORCE IN LAOS—U.S. TO FINANCE  
FOREIGN TROOPS

(By George Ashworth)

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#### MATTER CLOSELY HELD

Although the Thai involvement is a very closely held matter, particularly in the Pentagon, some outside the defense establishment are aware of some details of the new move. Sources report a growing concern among some in the government that the Thai involvement in Laos may soon become too expensive to be absorbed within regular defense expenditures.

Although the cleanest way to handle the matter, at least in financial terms, would be a request to Congress for a supplemental appropriation, such a request almost surely would be a hot political matter. For the moment, the costs are being absorbed with increased difficulty.



There appear to be several reasons for the increased Thai involvement:

Most importantly, perhaps, the Thais were willing to help in Laos if most of the bill were picked up. For several reasons the Thai Government considers the insurgency in Laos a matter of substantial concern. And concerns have not been eased by the Chinese construction of a road from Dien Bien Phu across Laos toward Thailand. The insurgency of Thailand is now a quite serious matter.

In some respects, the tide seems to have tipped against the Royal Lao side in the continuing fighting. Until 1969, the fighting between the neutralist forces and the Pathet Lao backed by Hanoi had been an ebb-and-flow sort of warfare with territory changing hands in a fairly regular pattern depending upon the seasons. Then, in 1969, Gen Vang Pao and his Meo troops, with heavy American air backing, pushed strongly against the Communists on the plain, capturing heavy enemy casualties. The Communist response was to press back harder than before, and the pressure has continued.

The Nixon administration undoubtedly would like to see the neutralist regime in Laos survive. This is seen as important both for the non-Communist factions in Laos and for the other beleaguered nations in Indo-China.

Given the nature of the conflict in Laos, congressional views, and the presidential determination to pursue the Nixon doctrine, the use of regular American troops in Laos was unthinkable.

DEPARTMENT OF STATE,  
Washington, D.C., May 19, 1971.

Hon. CLIFFORD P. CASE,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR CASE: Secretary Rogers has asked me to reply to your letter of April 23, 1971 concerning a press report of US support for Thai troops in Laos. The Secretary has also received a letter from Senator Fulbright asking for answers for his Committee to basically the same questions. During his appearance before the Senate Foreign Relations Committee on May 3, Under Secretary Irwin said that we understand your Committee was briefed on this subject in executive session by Mr. Helms on March 23.

We believe that it has been made clear that this is not a question of US support for regular Thai forces in Laos. The irregular forces involved, while raised and trained in Thailand, are all one-year volunteers who go to Laos to serve under the command of the Royal Lao Government; in this case the Lao Military Region II Commander. These guerrilla forces are therefore considered to be local forces in Laos.

There are no written agreements between our Government and the Governments of Thailand or Laos concerning this program; all arrangements were made orally.

The expenses for the US support of this effort have been met from current appropriations. Although the administration of this activity does not fall under the Department of State, it is our understanding that these expenditures are within present authorities.

Parenthetically it should be noted that your first question is in error as to the scope of the Cooper-Church Amendments to the FY 1971 Defense Appropriations Act. These amendments do not bear on the subject of troop pay. Presumably you may have reference to the Fulbright Amendment to Section 838(a) of that Act (i.e. the first proviso thereof), which is a limitation rather than a ban and which is being fully complied with by the Administration.

As I said in my letter to Senator Fulbright, the Department of State believes that it might be useful for the Committee to be briefed orally on this subject among others in executive session by Assistant

Secretary for East Asia, Marshall Green, following his return from his current visit to East Asia. We think that an oral briefing could bring you up to date and put this program into proper perspective.

Sincerely,

DAVID M. ABSHIRE,  
Assistant Secretary for  
Congressional Relations.

Mr. MILLER. Mr. President—

Mr. FULBRIGHT. Mr. President—

Mr. SYMINGTON. I yield first, if I may, to the Senator from Arkansas (Mr. FULBRIGHT), seconder of the request for this closed session.

Mr. FULBRIGHT. Mr. President, I want to commend the distinguished Senator from Missouri (Mr. SYMINGTON) for the thorough job he has done in summarizing a long and exhaustive report.

What the Senator has said calls to our attention our responsibility to know about and to advise in a matter of great importance.

One question I particularly wish to ask the Senator regards the amendments which were put into the Defense authorization and appropriation acts for fiscal year 1971. The Senator from Mississippi and I had a great deal of discussion about those amendments last year. The Armed Services Committee included language in its report on the defense authorization bill which was designed to prevent use of any funds authorized, "For Vietnamese and other free world forces for the support of the government of Cambodia."

I then offered an amendment extending that restriction to Laos. The final clause that was agreed to in the bill was as follows:

Nothing in clause A, first sentence of this paragraph, shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the governments of Cambodia or Laos.

After considerable struggle and after agreement—by the Senator from Mississippi and everyone, I think, concerned—this provision was adopted. Now we have this staff report.

It seems to me that the Defense Department, or the Government of this country, has simply paid no attention to the restriction on the use of the money which was asserted by Congress in the defense appropriation and authorization acts.

My question is: Does not the Senator from Missouri believe, from what he knows about it, that there is a conflict with that restriction?

Mr. SYMINGTON. The able Senator from Arkansas has read the law. I have it here in front of me. Based on the law, it seems clear said law has been violated.

Mr. FULBRIGHT. Is the Senator going to put into the record the letter from Assistant Secretary of State Abshire replying, for the Secretary of State, to my letter raising this question? If not, I shall put it in.

Mr. SYMINGTON. As previously stated, I have put all that correspondence in the record.

Mr. FULBRIGHT. I thank the Senator.

I think that the excuse they give—

which I do not consider to be valid at all—is that the language does not include, or rather excepts, guerrilla forces or the recruiting of what they call local forces in Laos.

It is not possible, it seems to me, if the language in the amendments means anything at all, that the Thais in Laos could be considered local forces in Laos. These Thai [deleted]. So if one has any reasonable respect for the use of the language, they are Thai troops in direct contravention of the restriction which we put into law and did so, I may say, with the co-operation and approval of the chairman of the Armed Services Committee.

I do not know what Congress can do if the executive branch will not show any respect for the laws as passed by Congress.

I would be very much interested to know whether the Senator thinks his own amendment, which he has just described, will be respected any more than the existing law was respected.

Mr. SYMINGTON. I reply, I have visited Laos many times and every time, upon return, I thought to myself, "I finally have the picture," but later found that was not the case. This report follows that aspect. I was on the other side of the government at the start of the Korean War. It worries me the use of these heavy bombers, the biggest jet strategic bombers in the world so close to the Chinese border. At the request of the man we support, Souvanna Phouma, the Chinese started building an extended road system in the very northern part of Laos. [Deleted]. The Laotian planes have actually attacked it.

Mr. FULBRIGHT. Mr. President, it seems to me that this is a classic case of the sort that we have been confronted with time and time again—the inability to obtain ordinary, basic information with respect to what we are doing.

In this case, we had to send two of our best and most experienced members of the staff to Laos to get the information ourselves. To put it another way, the executive branch imposes an embargo on giving any information or knowledge to the committee. This puts us at a great handicap.

We now have the basis for a reasonably well based judgment on the wisdom of what we are doing. It comes down to the real issue of whether there is any possible objective in Laos worth what we are doing to achieve it? What could we do in Laos which would be worth the expenditure of at least some \$375 million in fiscal 1972.

I do not know what it is expected we will achieve, especially in view of the apparent change in attitude of the administration toward China and the whole war in Vietnam. If Vietnamization succeeds, what could we accomplish by continuing to step up the war in Laos?

Mr. SYMINGTON. Mr. President, I once had the privilege of being on the board of directors of various companies. The president of the company a question would often ask the board for money. The directors invariably wanted to know just what the money was being used for.

What worries me in this situation is

how little those of us who put up the money under our constitutional prerogative know about what the money is actually being used for.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to the able Senator from Iowa.

Mr. MILLER. Mr. President, I thank the Senator for yielding. I would like to get the figures more precisely for fiscal 1971. How much did the Senator say was authorized and appropriated for 1971 in Laos?

Mr. SYMINGTON. Mr. President, unfortunately that information has now been given to the clerk. I will get it. It being top secret, I had only the one copy.

Mr. MILLER. The Senator referred to some figures like \$52 million and \$300 million.

Mr. SYMINGTON. \$52 million was the economic aid approved for Laos.

Mr. MILLER. For fiscal 1971?

Mr. SYMINGTON. Right.

Mr. MILLER. How about the military aid?

Mr. SYMINGTON. With respect to the military aid approved for Laos, the most recent information the committee has received from the Department of Defense on the Defense Department funded military assistance program in Laos was a document dated January 26, 1971, entitled, "Estimated Amounts Included in Military Function Appropriation for the Fiscal Year 1972 Budget for Support of the Free World Forces in Vietnam, Laos, and Thailand, Related to Fiscal Year 1970, Fiscal Year 1971, and Fiscal Year 1972."

That document gives a total figure, for estimated new funds for the military assistance program in Laos, of \$74,200,000 in fiscal 1970; \$117,300,000 in fiscal 1971; and \$125,800,000 in fiscal 1972.

In Vientiane, the staff was told that the fiscal 1970 program ceiling was \$125 million; and even that ceiling apparently has been exceeded by some \$24,100,000; so the total cost of the military assistance program for fiscal 1970, instead of being \$74,200,000, was \$146,400,000.

They were also told that, as a result of recent messages that had been received from Washington, the fiscal 1971 program ceiling had been increased to \$162,200,000; and the fiscal 1972 ceiling to \$252,100,000.

Mr. MILLER. I have here, based upon what the Senator just read, \$52 million for economic assistance and \$117 million for military assistance, for a total of \$169 million for fiscal 1971 that was expressly and specifically authorized and appropriated. The Senator indicated that information received in Vientiane had raised the \$117 million by some \$45 million.

Did I not understand that there were sums estimated by the Senator to be much more than, say, \$200 million for the fiscal 1971 operation in Laos?

Mr. SYMINGTON. The fiscal 1972 operation would be a great deal more. And for 1971, a bare listing of the amount was \$284 million, counting both economic and military assistance and the amount CIA is spending.

Mr. MILLER. Well, \$284 million. So, I think the essence—

Mr. SYMINGTON. Let me present this straight. The estimate of new funds for 1971 military assistance, the staff was told here was \$117,300,000. The economic assistance was \$52 million.

Then when they arrived in Laos they were told the CIA was spending [deleted] million; and that the figure for military assistance expenditures had been raised to \$162,200,000. This does not in-

clude other expenditures the U.S. Government was making in and over Laos.

Mr. MILLER. What the Senator is saying is that in addition to the moneys that we in the Senate specifically authorized and appropriated for Laos, for fiscal 1971 there is another \$120 million spent by the CIA in Laos.

Mr. SYMINGTON. I do not know exactly what was, or was not, spent by the CIA, because although a member of the CIA committee, those figures are not given in detail. The staff in Vientiane received this estimated breakdown of expenses of the Central Intelligence Agency.

Mr. MILLER. Mr. President, I do not want to get bogged down.

Mr. SYMINGTON. If the Senator would be good enough to put down, in detail, what figures he has in mind, I would be very glad to have the staff analyze same and make it all part of the record.

Mr. MILLER. Mr. President, I do not think that is necessary to get to my point. What I had in mind now—and the Senator may correct me if I am wrong—is that we specifically appropriated about \$169 million for military and economic assistance for Laos for 1971, and about \$120 million more came from somewhere else for the operations in Laos. I think there is only one other place that could have come from, and that is from the CIA.

Would that be a proper deduction?

Mr. SYMINGTON. Mr. President, I think the Senator's analysis could be constructive. To be sure, we will place the exact figures given us by the Defense Department in the record. I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, so ordered.

ESTIMATED AMOUNTS INCLUDED IN MILITARY FUNCTIONS APPROPRIATION FISCAL YEAR 1972 BUDGET FOR SUPPORT OF FREE WORLD MILITARY FORCES IN VIETNAM, LAOS, AND THAILAND AND RELATED COSTS IN FISCAL YEARS 1970, 1971, 1972

(In millions of dollars)

	Fiscal year 1970						Fiscal year 1971					Fiscal year 1972				
	South Vietnam	Korea	Philippines	Laos	Thailand	Total	South Vietnam	Korea	Laos	Thailand	Total	South Vietnam	Korea	Laos	Thailand	Total
Military personnel:																
Army.....	23.4	89.9	1.2		20.1	134.6	74.1	90.8	8.1	22.1	195.1	63.1	91.2	8.1	11.9	174.3
Navy.....	2.5					2.5	.1	.2		.1	.4	.1	.2		.1	.4
Marine Corps.....		13.8				13.8		12.8			12.8		12.6			12.6
Total, military personnel.....	25.9	103.7	1.2		20.1	150.9	74.2	103.8	8.1	22.2	208.3	63.2	104.0	8.1	12.0	187.3
Operation and maintenance:																
Army.....	467.9	58.3	.8	18.0	21.5	566.5	562.2	50.0	17.8	16.6	646.6	530.8	49.6	19.8	13.5	613.7
Navy.....	42.5	.4			1.0	43.9	85.6	.1		2.8	88.5	70.3	.1		2.0	72.4
Marine Corps.....	7	3.3			4.4	14.7	8	4.0		5.5	13.3	2	6.0		.6	6.8
Air Force.....	85.4	.6		25.8	8.4	120.2	97.4	1.0	36.6	11.2	146.2	110.5	1.1	33.7	12.1	157.4
Total, O. & M.....	596.5	62.6	.8	43.8	31.3	735.0	746.0	55.1	54.4	31.1	886.6	711.8	56.8	53.5	28.2	850.3
Procurement:																
Army.....	858.2	67.2		9.3	37.4	972.1	732.5	60.9	11.9	25.8	831.1	772.4	74.2	14.2	30.1	890.9
Navy.....																
Aircraft and missiles.....										.2	.2				.2	.2
Other procurement.....	7.3				.3	7.6	18.2				19.2	9.7			.9	10.6
Shipbuilding.....	2.6					2.6				1.0						
Marine Corps procurement.....	33.4	4.1		.7		38.2	.5	1.8		.5	2.8	.2	8.9			9.1
Air Force.....																
Aircraft procurement.....	76.6			3.2	5.5	85.3	155.6		5.0	4.4	165.0	113.7		10.4	3.4	127.5
Other procurement.....	83.6			17.9	.2	101.7	87.3		37.9	1.8	127.0	112.9		39.6	2.4	154.9
Total procurement.....	1,061.7	71.3		30.4	44.1	1,207.5	994.1	62.7	54.8	33.7	1,145.3	1,008.9	83.1	64.2	37.0	1,193.2
Military construction:																
Army.....							12.0				12.0					
Summary:																
Army.....	1,349.5	215.4	2.0	27.3	79.0	1,673.2	1,380.8	201.7	37.8	64.5	1,684.8	1,366.3	215.0	42.1	55.5	1,678.9
Navy.....	54.9	.4			1.3	56.6	103.9	.3		4.1	108.3	30.1	.3		3.2	83.6
Marine Corps.....	34.1	21.2		1.1	.6	56.4	1.3	18.6		1.0	20.9	.4	27.5		.6	28.5
Air Force.....	245.6	.6		46.9	14.1	307.2	340.3	1.0	79.5	17.4	438.2	337.1	1.1	83.7	17.9	439.8
Total.....	1,684.1	237.6	2.0	74.2	95.5	2,053.4	1,826.3	221.6	117.3	87.0	2,252.2	1,783.9	243.9	125.8	77.2	2,230.8

9. (a) Funding of South Vietnamese and other Free World forces under authority of the Defense Authorization and Appropriation Acts, by category or purpose.

Mr. MILLER. As I say, for this purpose I do not think I need to get to whether it is \$1 million, \$2 million, or \$5 million less.

I think one of the points the Senator made is that here we are with another \$120 million spent in Laos which we in the Senate did not specifically authorize and appropriate.

I have one further question. Does that money, the \$169 million or the \$169 million plus the other \$120 million, include the cost of bombing of the Ho Chi Minh Trail?

Mr. SYMINGTON. No, it does not.

Mr. MILLER. Here is my point. I say this most respectfully to my colleague from Missouri. I think most of us understand that when we make authorizations and appropriations for the CIA, some of that money is very likely to end up in some of these operations, such as Laos. In other words, I do not think we have quite said there will be only so much money for Laos and nothing more, because if we did we would have no motive in appropriating money for the CIA.

This has troubled a number of us. What is the money going to the CIA to be used for? How much is it? How did they spend it? That agency has been operating for a long time under a cloak of quasi-secrecy in the hands of a limited number of people, and I think the Senator from Missouri is one of them as a member of the subcommittee on CIA oversight.

I have never served on that committee, but I have great respect, as a former member of the Committee on Armed Services, for the integrity of those few Senators who do have that oversight responsibility.

I find it very difficult to believe that the oversight committee could not obtain some pretty accurate information on how much of that CIA money was going to Laos.

I am wondering whether the Senator could tell us what efforts were made by that oversight subcommittee to obtain this information so it would not be necessary for the staff to go to Vientiane.

Mr. SYMINGTON. The more information one obtains before making a decision the better the chances for a wise decision. Even with the staff report mentioned, in all my committees there is no real knowledge of what is going on in Laos. We do not know the cost of the bombing. We do not know about the people we maintain there. It is a secret war.

As mentioned before, the Central Intelligence Agency reports directly to the President. Therefore, in effect, it has executive privilege. The head of the Central Intelligence Agency is also the head of the Intelligence Subcommittee of the National Security Council.

I am not critical of this agency. As mentioned in my prepared text, I have admiration for them. But I do say there is a war going on in Laos, and money is being spent in heavy quantities about which the Senate knows nothing. I am a member of literally all the committees involved. Each time we go to Laos and believe we have uncovered the last leaf of what has been and is going on, we find

later that is not true. The responsibility cannot be placed entirely with the Central Intelligence Agency, because to the State Department has been delegated some of the authority for the instructions being given the CIA.

What worries me, having gone through the Korean situation at a time when we thought we were in very good shape and then were suddenly hit by the Chinese in heavy force, is the fact there has been a great deal of activity near the Chinese border, in northern Laos, which has nothing to do with the Ho Chi Minh Trail, and that could give us more serious trouble.

When we asked about B-52 bombing in northern Laos we were told B-52's were bombing in northern Laos, far from the Ho Chi Minh Trail. We were also told that the reason we had not been told before was because we had not asked.

The shocking information that we were bombing with B-52's way up in northern Laos was given in an open hearing by the Under Secretary of State. He no doubt gave it because he knew what the subcommittee staff report was going to say to the Congress.

Mr. MILLER. I want to make this point. I have had an opportunity to visit Vientiane myself to obtain some information. I think the Senator from Missouri has done more than any Member of the Senate to try to obtain information on our operations in Laos, and for this he is to be commended. At the same time, we should not leave the impression that the Senate somehow or other has been helpless in this matter. We are all mature individuals, and we know what we are doing. We have appropriated a lot of money for the CIA. If we have done so, knowing the CIA is an executive privilege agency, I think we have done so with our eyes wide open. Maybe we should change that. That is something else. But let us not say the Senate has been hoodwinked or leave the impression we have been misled and have not known what is going on. I think we may have lacked information on the specifics, and the Senator is pulling out information on the specifics, but the Senators who voted on these appropriations for the CIA voted for them with our eyes wide open, knowing what we were doing. Maybe we should change it. It is something for future debate.

I thank the Senator for yielding.

Mr. SYMINGTON. I thank the Senator for his kind remarks about my efforts to get the facts. I would be the last to say he had been hoodwinked or that any other Member of the Senate had been hoodwinked. But I have been hoodwinked, and I want the Senate to know this afternoon that that is the case.

I wanted to go to Laos in the fall of 1965, but was told the Ambassador did not want Members of Congress to come to that country, and did not like people to go into Laos. So I met the Ambassador in Udorn, Thailand, just south of Vientiane. At that time the Ambassador reaffirmed he did not think it right for people such as me to go into Laos.

He mentioned that the present distinguished senior Senator from Massachu-

setts had been there, added that his visit had created some consternation and had upset the Laotian Government.

So in 1966 I went to the State Department and said, "Regardless of what that Ambassador thinks about my going into Laos, I am going into Laos as a member of the Committee on Armed Services and the Committee on Foreign Relations, with his goodwill or without it, but I am going." State said, "Of course you can go. Who said you cannot?" I said, "The Ambassador, who so told me and others."

I thereupon went to Hawaii and later received copies of telegrams sent to State by the Ambassador protesting my planned visit.

Later I had a wire from the Ambassador, saying he was glad I was coming and that he hoped I could stay with him, with my aide staying with his military aide. I wired back I appreciated his invitation but was going to stay with friends in Vientiane. He knew the only place that could be was a compound financed indirectly by the CIA, and I was told he wired State saying he thought it would be a mistake if I stayed with those people.

Later, in 1967, I went out again and that time stayed with him.

It was a pleasant trip, and I learned a lot and was told a very great deal I did not know.

But nobody told us that United States combat airplanes, with American pilots, were bombing in northern Laos, American pilots who carried the identification so they would not be shot as spies if they were forced down. Those airplanes were attacking, with napalm and bombs, in northern Laos. This we were not told.

As a matter of interest, when we came back and had hearings in the Foreign Relations Committee, at one point questions came up. The answer was, "You did not ask." For the information of my good friend from Iowa, I did not know we were running B-52 bomber raids over northern Laos until the staff came back and so reported. So in this case, also, it was not logical to ask.

In my judgment (a) these B-52 raids in northern Laos are dangerous to the security of the United States—a field in which I have had some experience and (b) no member of this body knew we were extending regular B-52 raids that far north in Laos.

In 1946, before there was an Air Force, when I was Assistant Secretary of War for Air, some Senators will remember that the Yugoslavs at that time were not on as friendly terms with us as they are today. They shot down several of our unarmed DC-3's. I called on General Norstad, and asked him to put some of our fighters on that border with instructions to shoot down any planes that attacked our planes.

Norstad said, "I am a fighter pilot and that would be a mistake." I asked, "Why?" He replied, "Because if we do, the fight will not end up at the border; it will end up over Belgrade," and I withdrew the suggestion.

That experience in itself gives me apprehension about the apparently relatively careless way we have been hand-

ing the B-52 bombing over northern Laos.

I yield to the able Senator from New York.

Mr. JAVITS. I would like to refer to the Senator's points, which he has rightly emphasized. One point is the money. The second point is the Fulbright amendment. The third point is what the Senator from Missouri, who has served us so well here, calls the long undeclared and secret war.

If the Senator would be kind enough to refer to the letter which Senator KENNEDY has put on every Senator's desk, he will see the explanation of the administration reflected in Mr. Abshire's letter to Senator KENNEDY which reads as follows:

However, as the President said in his address to the Nation on October 7, 1970, the war in Indochina "cannot be cured by treating only one of its areas of outbreak." If the North Vietnamese were to conquer all of Laos they could divert thousands of their forces now engaged in North Laos to the war against South Vietnam, and greatly enhance their position in those areas of Laos bordering South Vietnam from which they launch attacks on United States and allied forces.

My questions then, to the Senator from Missouri are, one, does what he has just described as our crowding the Chinese border represent, in his opinion, a risk in order to protect U.S. forces; and, two, is there a separate war in northern Laos which does not have a relation to the protection of our troops in South Vietnam, and, if so, does the Senator know of any valid support for the contention that it is to protect our forces in South Vietnam?

Mr. SYMINGTON. If I may answer the last question first, I believe that, without question, the war in northern Laos is a separate war. Secondly, I do not believe this war is essential to our position in Vietnam. But the major point is we have not been informed.

We were not informed about the B-52 raids up north. The defense of the administration was and is that we did not ask. Perhaps some would change their minds if they knew the facts; but the core, the basic thrust, of the request for this hearing today is: How can you have any knowledgeable opinion if you do not know what is going on or the reasons for, and the thinking behind, the policies and programs in question?

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. JAVITS. If the Senator will allow me to complete my thought, I think what troubles all of us is, assuming we can get an explanation in executive session, whether it is still one of those questions so momentous that it ought to be submitted to the public domain for a vote of the Congress, or at least to have the facts known so that the American people—and we here as their representatives—have an opportunity to answer "Yes" or "No"?

Mr. SYMINGTON. I plan to make every effort to release as much of this information as possible.

Before yielding to the able chairman of the Armed Services Committee, let me summarize my feeling about this war. I have been raised to believe in the value

of human life. The great value of the life of the least important GI is very important. The President—and I respect him for it—has stated that no military victory in Vietnam is possible; that what we are trying to do is get out. With that premise, it is sad indeed to realize that each and every day from the time we decided no military victory was or is attainable, nevertheless we continue with policies which result in the killing of so many of our own young people, and thousands upon thousands of others—military and civilians. We are comfortable around here. We say we are happy. We are very prosperous—at least we think we are. At the same time, out there, day after day, people, human beings, are being slaughtered. One cannot fall, based on our traditions and our beliefs, to ask why.

If it is right from the standpoint of the future security and prosperity and happiness of the United States, then I would be for it. But one day in 1966 I was at a hospital in Nha-Trang when the helicopters started dropping in with the wounded. I turned to my escort officer, a ground hero in the Korean war, and said, "Ed, to be right at all, we must be mighty sure this is right." He said, "I could not agree with you more." There is nothing more heartrending to listen to than the cries of the wounded. Now we admit there is no military victory possible so let us get out as soon as possible, so as to reduce these casualties. In any case, and at the least, let us obtain all the truth before we put up more money. The money is the only way it can continue, right or wrong; and the most important matter facing us today is the right of the Senate to know just what is going on before we fund this money.

I yield now to the able Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Missouri. He has made a very temperate statement here. As he stated, he cannot vouch for all these figures. If they are not correct, he wants to be corrected. I have not seen the statement before—

Mr. SYMINGTON. We finished it only late last night.

Mr. STENNIS. Yes, I understand.

I cannot discuss, much less explain, those figures, and I have none available to refute them, but let me say this to Members of the Senate about the money we appropriated in the military procurement bill. That is the bill for military hardware, which includes the ABM and which we discussed for 7 weeks this year and 6½ weeks last year. In the bill we provided \$2.5 billion for military aid to Southeast Asia. That was explained to the fullest extent, and we had amendments concerning it. There was one amendment to put a cap on it. The Senator from Arkansas and I agreed on it. I wanted a ceiling on it.

That money is what we call, in general terms, military aid. It was transferred over to the Armed Services Committee from the Foreign Relations Committee, with the consent of the Foreign Relations Committee, about July 1, 1966. It showed up for the first time, I think, in fiscal 1967.

Just look at the map. How can you

separate the war, and the military aid for all these countries in the area where the fighting was already going on and still is? Since then, we have gone into Cambodia and we have openly gone into Laos. We have done all these things and we are bombing everywhere. I think that is the real reason why the money was transferred.

Now, I did what I could, and other Senators did too, to explain that item to the Senate. And we appropriated \$2.5 billion. Whether you remember it or not, I think it was said then that "this money goes in with the regular DOD money that is in this bill." It was not a separate appropriation, so to speak. We had estimates, but they were not separate accounts.

The Department of Defense told us frankly, "We are just not certain exactly how much money was spent through these funds in the various countries," although they made an effort to keep up with it. With bombers flying everywhere, and soldiers coming and going, and [deleted] and everything going on, I can see the difficulty. I was not patient with it at first, but I came to understand it better.

We have figures, but, as the Senator from Missouri said about these expenditures, they still call them estimates. I am talking about the money now that is appropriated through the Department of Defense. The State Department may be an advisor in this program. I am leaving the CIA out of these remarks. They frankly brought them to us as estimates before our committee, we brought them to the Senate floor as estimates, and now, when they report back on the money, they still call them estimates, for the reasons I have given.

The figures here presented were brought in good faith, I know absolutely, by your representatives who went there. They dug into a lot. But I would want to look at these figures further. I think we should.

However, as far as this \$2.5 billion is concerned, as far as being able to trace it down country by country, I do not think it is possible to do so. It was the spirit of the appropriation, when the authorization was made, that this money was going into the general accounts of the Department of Defense. They were paying their own way over there, and for every conceivable thing for American soldiers, and we were going to be using the same kitty, so to speak, for this kind of military aid. We were going to leave off the regular military aid that would come through the Foreign Relations Committee.

Just to sum up, I think the Senator raised the point I mentioned, too, which is that while we are doing this, is what we are doing in Laos an adjunct to the war in Vietnam? I think it has been from the beginning, and still is, and the Lord only knows where we would be if we had not done something up there in Laos. What would have been the situation? The North Vietnamese have had two or more divisions in and out of there, back and forth, all this time. I do not know whether they are there today or not, but they have been going back and forth all the time, and they had to be offset. We

tied them up, and we did a lot more than that. But I just do not believe you can separate an arm or leg or anything else from the body of the war over there that we are in and want to get out of.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. Now, let me say just a word about the CIA, and I will be through. All the money I have been talking about does not involve the CIA at all. The CIA has justified its budget to our subcommittee, and, as always, they have come up with expenditures right in line with what they were authorized expressly to do. By and large, that has happened, and I believe it will happen even as to this complicated situation in Laos. They have come clean with the figures, and they have told us, and I think the Foreign Relations Committee from time to time, about their activities in Laos. We can go into that later. But their money, I think, is largely in the clear and totally separate.

Now, who is involved in the CIA? Well, the President of the United States, the National Security Council, and we are a party to it, in putting up the money. I think we all know that if we are going to have a CIA, and we have to have a CIA, we cannot run it as a quelling society or something like that, in the ordinary way. But their money is in the clear, and their forthrightness, I think, is in the clear. I noticed that the Senator from Missouri was very straightforward, I thought. I noticed his terms.

I have tried to tell the Senate, on behalf of the committee, what the situation was. Of course, we will continue to try to do that. I am very much interested in this report, and intend to get into it as time permits.

Mr. COOPER. Mr. President, will the Senator yield to me?

Mr. SYMINGTON. Mr. President, before yielding to the able Senator from Massachusetts, I would make several observations in response to the remarks of my distinguished chairman.

Perhaps we made a mistake in placing this military assistance in the legislation which goes to the Armed Services Committee. We did not do so with respect to Cambodia. There is no secret aspect about the military aid to Cambodia. I would present to the Senate the fact there are few people more interested in getting the news than the news media people of this country. A great many of the questions asked, when we went to Laos, were and are the result of stories which came from televised reports and newspapers in this country, spoken and written by men and women willing to risk their lives to first obtain and then report the truth. When their stories were published, many times they were in trouble with the authorities out there. Our staff went out and asked "Is this true?" The people, being honorable people and knowing in their hearts the staff had the right to ask, replied, "Yes, it is true." A great deal of this new information was developed in this manner.

With respect to the map, and all countries involved in the map which the able Senator referred to, I never thought Vietnamization would work and said so the day after it was announced as policy.

The reason for this belief was and is simple: If we could not achieve a victory under the rules, regulations, and restrictions laid down with 800,000 of the best of our fighting men—to reach 800,000, I am counting the fleet and all the Americans in Thailand, the Philippines, Okinawa, Guam, and Japan who were devoting all their time to Vietnam as well as half a million in Vietnam—if we could not achieve victory for Messrs. Thieu and Ky with 800,000 of the best of all, how are they going to achieve it by themselves? This is a somewhat oversimplified premise but was the basic reason why I have always opposed the concept of Vietnamization. That, until now, has been my major criticism; and I agree with the President that we should get out as soon as we can.

But today we are talking about two different wars or perhaps better put, another and secret war. I have gone out there and talked with just about everyone in authority. I have gone up to Luang Prabang and Sam Thong. I have talked with Gen. Vang Pao. I have talked with our Jolly Green Giant people. I have gone to Savannakhet and Pak Se, and listened to the reasons, the justifications.

There are two wars. I defy anyone to assert there are not. One war has to do with protecting our troops, the air and now the ground war against the Ho Chi Minh Trails. But if anyone tries to justify the bombing and napalming of military and occasionally civilians up in northern Laos as a way to protect Americans we say are leaving Vietnam, in my judgment they are very wrong. I have a right to my opinion as a Senator representing the people of Missouri. This is what I have reported and will report back to them.

In any case, the purpose of this session is to again emphasize the importance of getting out the facts, so we can get enough truth to justify or not justify what is being done. I have never received these facts as a member of either the Foreign Relations Committee, the Armed Services Committee, the CIA Subcommittee, or the Appropriations Committee; only have they come as a result of this report, a report which once again shows much was going on in northern Laos—a different war—that we knew nothing about.

I now yield to the able Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator. I think he has expressed very well the concerns that I have in terms of the authority of the administration to conduct the other war—the one in northern Laos. Not having been on either the Armed Services Committee or the Foreign Relations Committee, but being chairman of the Refugee Subcommittee and interested in the various programs that affect the refugees in Laos, we had former Ambassador Sullivan testify before the subcommittee. In his oral testimony he made a comment about the creation of refugees, the numbers of which increased in almost direct proportion to the escalation of the bombing in Laos.

I read now from Ambassador Sullivan's formal testimony. He remarked:

Almost all of these original residents have

long since left the area and today, for all practical purposes, unpopulated except by the North Vietnamese military forces—

He is talking about the Ho Chi Minh Trail.

Ambassador SULLIVAN (continuing). Their engineering and logistics auxiliaries, and the porters whom they use in the operation of the Ho Chi Minh Trail. Therefore the area of Laos which is subjected to the most intense military activity is not an area which is of direct concern to use in examining the question of refugees.

The refugees in Laos are those whose lives have been disrupted by the other war in Laos, which has nothing to do with military operations in South Vietnam or Cambodia. This other war is a war which represents the ambitions of the North Vietnamese to extend their control over their peaceful Lao neighbors.

Then his testimony continues in elaborating about the war.

At the end of his testimony, I questioned Ambassador Sullivan—who, of course, as Senator SYMINGTON has pointed out, was the Ambassador to Laos. I have visited out there and so have members of my staff on the Refugee Subcommittee. I questioned Ambassador Sullivan.

What is the President's authority for waging the war there if it has nothing to do with operations in Vietnam and Cambodia?

Mr. SULLIVAN. I think this matter has been examined in other committees.

Senator KENNEDY. I am sorry.

Mr. SULLIVAN. This question has been examined in other committees.

Having this comment of Ambassador Sullivan, I continued the questioning. I asked him to develop this thought. He made the comment about testifying before other committees, and then he said:

The attacks in northern Laos we do not consider to have to do with the operations in South Vietnam and Cambodia.

That is a direct quotation from Ambassador Sullivan's testimony.

I took the opportunity on April 23 to write to the President to inquire about the authority for what Ambassador Sullivan, as a spokesman for the administration, had commented on as being the other war. A copy of that response is on the desk of each Senator.

As David Abshire, who is the Assistant Secretary of State for Congressional Relations, and who is the spokesman on this matter, points out:

As the President said in his address to the Nation on October 7, 1970, the war in Indochina "cannot be cured by treating only one of its areas of outbreak."

But here we have quite a clear contradiction, in terms of the expression of policy, between Ambassador Sullivan, who probably has been more involved in the entire Laotian situation than anyone else within the administration, and the spokesman for the administration, Mr. Abshire.

When I asked Ambassador Sullivan at the hearing for a fuller comment with respect to the authority for the war in northern Laos, he said he would submit it for the record. This has not occurred.

As a Senator who is in a rather unique position of being on the committee concerned with CIA appropriations and the Foreign Relations Committee, I am wondering what the other committees would



be that would have had an opportunity to consider this authority—if it was not the Armed Services Committee, the Foreign Relations Committee, or the committee which is involved in the various CIA activities? What is the authority for this war in northern Laos, an authority the administration evidently believes it has?

Mr. SYMINGTON. Mr. President, I thank the able Senator from Massachusetts for presenting that testimony to the Senate, and I know of no other Senate committee with jurisdiction in this field than the ones mentioned.

Testifying before you, Assistant Secretary of State Sullivan made my case about there being two wars better than I have made it or could make it. I fully agree with his conclusions.

The purpose of this meeting was to present to the Senate the fact we are not getting enough information about what the United States is doing in Laos. Whether what we are doing is right or wrong, we should be able to form our conclusion based on facts; otherwise we are operating blindly when we put up the money for these policies and programs in these foreign countries.

Second, and a more direct answer to the Senator from Massachusetts, is that, regarding the written law as passed by the Senate, based on this report, that law, in my opinion, has been and is being violated. This aspect is something in which most certainly every Senator and every citizen should be interested.

The Senator from Alaska has asked me informally whether the State and Defense Departments had a chance to review this report. My answer is "No." But the report will be filed as part of this proceeding, so the executive branch can analyze it and agree or disagree.

My earnest hope is that we obtain a maximum amount of it declassified so our people will be better informed about just what is actually going on in Southeast Asia.

Inasmuch as I mentioned the name of the able Senator from Alaska, I now yield to him and then will yield to the able Senator from Kentucky.

Mr. STEVENS. It is my understanding that the unanimous consent request was that all the proceedings here plus the staff report would remain classified in the offices of Foreign Relations Committee. That is the reason why I asked the Senator whether the Department of State and the Defense Department have access to the staff report and these proceedings without the consent of the Senate.

Mr. SYMINGTON. They will have access.

In addition, as was the case in the last closed session we had, we would ask—

Mr. FULBRIGHT. They do not have access without our permission.

Mr. SYMINGTON. If they desire to examine it, we of course would want them to do so.

In the last session, we had our record declassified. I would hope, and at earliest opportunity, we could have all these proceedings declassified.

Mr. STEVENS. I assume that the staff report has been classified top secret by the Senator's committee.

Mr. SYMINGTON. That is correct.

Mr. STEVENS. Not by the executive branch.

Obviously, we are going to have debate on your amendment in open session, but I would be interested in having the State Department and the Department of Defense have an opportunity to comment and to have those comments in the Foreign Relations Committee, so that we could read the staff report and the comments of the Department of State and the Department of Defense.

Mr. SYMINGTON. I am not certain we can handle it exactly the way the Senator from Alaska would wish. But the more information we all can obtain, the better. Let us hope, therefore, that all reports and all information, the publication of which would not be against our national security, will be released.

Mr. STEVENS. Will the Senator allow me to ask the chairman of the Foreign Relations Committee this question: Is it possible in some way to get the Department of State and the Department of Defense to comment upon the staff report and the facts contained therein? I am perfectly willing to recognize it for what it is—a staff report that presents facts they have found. In effect, I should like to have these people—

Mr. SYMINGTON. I am chairman of the subcommittee to which the report was made; and with the approval of the chairman of the full committee and the committee would, of course, be glad to have the executive branch examine the report. We would hope also they would comment on it, agree where they agree, disagree where they disagree, in the tradition of our democratic system.

Mr. STEVENS. I would like to have their comments on the report.

Mr. SYMINGTON. They will be available.

Mr. SCOTT. They have not yet seen it.

Mr. FULBRIGHT. They have not yet seen it, no.

Mr. STEVENS. I thank the Senator.

Mr. SYMINGTON. I now yield to the able Senator from Kentucky.

Mr. COOPER. I have had the opportunity to serve on the Senator's subcommittee and to read the various reports, and I would like to say that I have read this report in full.

I think that the two men who went out there, Mr. Lowenstein and Mr. Moose, made a very fair report. That is evident in the instances in which they give full credit to the efforts of the CIA and the embassy to be careful about getting too close to China, and so forth. It shows their fairness.

I wish to raise another point which came to my mind when the Senator from Mississippi was speaking. I do not think this question has been raised before. I think it is a very important question.

I recall 2 years ago, on August 12, 1969, when the Senator from Arkansas (Mr. FULBRIGHT) got up and asked that funds should be made available for military aid to Southeast Asia but limited to \$2.5 billion, and the Senator from Mississippi assented to that. It was correct that 1 year before that, and I have it in the record here, Secretary McNamara had come before the Committee on Foreign Rela-

tions and asked that the authority to authorize military aid for Laos and Thailand be transferred from the Committee on Foreign Relations to the Armed Services Committee.

This is what he said on August 12, 1969, on page 9776 of the CONGRESSIONAL RECORD:

We are prepared to provide Laos and Thailand the equipment and supplies they require to combat the armed Communist forces which threaten their freedom. Therefore, the transfer itself implies neither escalation of conflict nor change in type or level of assistance; it merely reflects the most effective manner to handle the problem.

He did not tell what that manner or level or nature of the operation was at that point.

Now I hate to be referring to myself, but I got the idea that perhaps we did have forces operating in Laos and I offered an amendment, which was the predecessor of all of these other amendments limiting the authority of the President, to prohibit the use of any American military forces in Laos in support of Laos and Laotian forces. It was challenged. The Senator from Mississippi thought it deserved further study. After a while, I did agree to put it off until later. But in that debate, the Senator from Missouri (Mr. SYMINGTON) said he knew we had forces operating in Laos. The Senator from Texas (Mr. Tower) said that he thought we had forces operating in Laos. The Senator from Arizona (Mr. GOLDWATER) said he had said so in the campaign in 1964, that he knew we had forces operating out there, but no one paid any attention to him. So we knew then—

Mr. SYMINGTON. The Senator used my name. Could I ask, with respect, what is the point he is driving at?

Mr. COOPER. I am getting to it. We had hearings in the Committee on Foreign Relations a year ago in which Mr. Sullivan and others came before the committee, and they detailed the kind of military operations—the bombing, not by the B-52's, but the bombing in the north to support our forces.

The point I am getting at is that I first think there must have been some transfer of funds to "up" the amount that has been used in Laos; but the question is, have these people got the right to operate out there with U.S. forces in support of a Laotian Government without the consent of Congress? They have been doing that at least since 1964, and maybe before that. We have never acted upon it.

Now of course the President says—and there may be some measure of right in it—that considering the necessity to protect our forces, we have to take this all into consideration.

The point is, we have had an operation there to support the Government of Souvanna Phouma for at least 6 or 7 years without any known authority of Congress. I think that is a very delicate question we will have to talk about some time.

Another question that goes even further is, has the CIA—a secret group—the authority to get into a private war, a secret war, and gradually to lead us perhaps into a larger war?

I raise these questions because I think

they are serious, I do not know how we can deal with them unless we discuss them again in another secret session.

Mr. President, I ask unanimous consent to have printed in the record the debate of August 12, 1969, which is printed in the CONGRESSIONAL RECORD on pages S. 9774 through 9783.

There being no objection, the excerpt was ordered to be printed in the record, as follows:

[From the CONGRESSIONAL RECORD—Senate, Aug. 12, 1969]

**AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH**

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces and for other purposes.

Mr. FULBRIGHT. Mr. President, amendment No. 129 does two things.

First, it makes clear that no more than \$3 billion of the funds appropriated for use of the Armed Forces of the United States may be used to support the forces of Vietnam and other free world forces in Vietnam, or local forces in Laos and Thailand.

Second, this amendment requires that the decisions as to the expenditures of these funds are to be the responsibility of the President rather than the responsibility of the Secretary of Defense.

My purpose in proposing this amendment is to tighten up the provisions of this authorization bill.

As it now stands, the Congress would be authorizing the Secretary of Defense "on such terms and conditions as he may determine" to spend, without any limitation whatsoever, an amount that could be as high as \$80 billion to pay the expenses of armed forces other than those of the United States.

This, I know, is preposterous. The Secretary of Defense would do no such thing. But that is precisely what the language of title IV authorizes as I read it.

There must be some limit on the amount we are expected to take from the use of our Armed Forces and give to other free world forces.

I guess I do not know what that limit is. My amendment specifies that not more than \$3 billion may be spent on foreign armed forces. That is more than we spend for economic foreign aid and for many domestic programs. It is but 10 percent of the some \$30 billion which the Vietnam war costs the United States annually.

I know it will be said that there must be a broad delegation of discretion in the expenditure of these funds because we hope that South Vietnam forces will take over more and more of the burden. But I suggest that the Senate is entitled at least to have an estimate of how much next year is to be used to pay for the forces of allies fighting with us in Vietnam.

If the chairman of the Armed Services Committee is not agreeable to the limiting figure of \$3 billion for this purpose, I would be interested in receiving some other estimate.

It does not make much sense to me to hold elaborate hearings on the Defense Department budget, to receive detailed estimates on the costs of various weapons systems, and then to adopt language in this bill which says in effect that notwithstanding any other law authorizing funds for the Armed

Forces of the United States, the Secretary of Defense can spend whatever he desires to support other free world forces in Vietnam and local forces in Laos.

The Congress must be cautious of such wide open delegations of authority.

I hope the chairman of the Committee on Armed Forces will accept this amendment.

Mr. STENNIS. Mr. President and members of the committee, I call special attention to the situation with respect to title 4. It may be that a rollcall vote will not be required on the matter.

I will first make a brief explanation of title 4 of the bill. It covers what was once called foreign military aid or foreign aid for military. But this section is limited to the South Vietnamese and other free world forces in Vietnam, local forces in Laos and Thailand, and for related costs during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine.

Mr. President, that is the identical language that was used for last year in the authorization bill as brought forward without any change and also for the year 1968.

I am going to propose an amendment as a substitute to the amendment of the Senator from Arkansas. The funds now in the bill for this purpose amount to only \$147 million. That is in hardware. The authorization is merely for the Appropriations Committee, concerning such other amounts as they may appropriate and for whatever purposes they may appropriate. The Appropriations Committee now has authority to appropriate items except military hardware for our Army or Navy, but they do not have authority to appropriate even O. & M. funds—operation and maintenance funds—for the Army of South Vietnam. So this would be a general authorization.

When this matter came before us, my best recollection is that in looking at it, the Chief of Staff said that this is identical to the matter of last year, and that was correct. We did not get to the figures then, however, and they gave me the figures later, and showed how it was spent last year for this purpose—\$2.5 billion. For this year, it is estimated to be \$2.26 billion for this purpose.

On that point, I did not notice the open end clause in here, which is the three or four words on pages 12 and 15: "under this or any other act." That gives it an open end, unlimited authorization. I have not favored that since we built the Air Force Academy. I do not like us to make open end authorizations unless it is absolutely necessary. That is my record on it.

But I failed to point that out to the committee; I am sure I did. That is why I want to offer this substitute amendment now. Instead of saying "not to exceed \$3 billion," I think we should put it at \$2.5 billion; and if more money is needed, they can get the authorization for it.

So I do not think we should try to step on the President of the United States by requiring him to issue a certificate.

My amendment, which reads as follows, is offered as a substitute:

"On page 5, line 11, strike out the quotation marks and the word 'Funds' and insert in lieu thereof the following: 'Not to exceed \$2,500,000,000 of the funds'."

"On page 5, line 17, insert for the word 'conditions' the phrase 'under Presidential regulations.'"

That will put it forth in the register. The President is responsible for what it does, anyway. I think that will take care of the situation.

So I offer that as a substitute, and I thank the Senator from Arkansas very much for calling attention to that matter. This language, if it is going to refer to the other authorization bills, should have a limit on it, and it is limited. Let me repeat for clarity,

that it is limited to the forces in Vietnam, other free world forces in Vietnam, and the local forces in Laos and Thailand.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. FULBRIGHT. Inasmuch as we do deal particularly with the local forces in Laos and Thailand, two countries in which, at least technically and legally, we are not at war, does the Senator not think it would be better that this responsibility be given to the President? We are now discussing before our committee a matter involving Thailand, and it seems to me that this is a matter of such consequence that it should be squarely the President's responsibility to make a decision on a matter of this kind, as distinguished from the ongoing war in Vietnam. That is the part of it that struck me—that it should be a presidential responsibility in the law.

Mr. STENNIS. I think it should be a presidential responsibility. He is responsible for it, anyway. Certainly, we can trust him to make the regulations about this matter, and then the Secretary of Defense, acting under those regulations and our law and restrictions, I believe—

Mr. FULBRIGHT. Customarily I say to the Senator, under the foreign aid bill which my committee has handled, the funds are made available to the President.

Mr. STENNIS. Yes.

Mr. FULBRIGHT. That has been traditional, since the beginning. Actually, this is an item which has been in the foreign aid bill, in foreign assistance, in the past. In fact, some Members presently are considering taking it back into that bill.

Therefore, I would suggest—do not know that it is all that important—but it would still be more appropriate for the responsibility to be given to the President.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SYMINGTON. Mr. President, there is a \$500 million difference here. As I understand the position of the distinguished Senator from Mississippi, he agrees with the principle of what is desired by the distinguished Senator from Arkansas. We are in a fight in Vietnam, and we are and have been taking military action in Laos and Thailand.

I would hope that the able chairman of the Committee on Foreign Relations would accept the proposals presented by the chairman of the Committee on Armed Services.

Mr. FULBRIGHT. I intended to do that when I rose. I certainly accept the amendment of the Senator from Mississippi as to the amounts. His explanation of this is understandable.

I say to the Senator from Mississippi that the prosecution of the war, of course, is a military matter. But this involves far more than a military matter, as we found this morning; and it is the very matter in which the Senator from Missouri is looking. I think it is primarily a political matter as to how far we go in a commitment to support the local forces in Laos and Thailand in particular, as distinguished from Vietnam.

Mr. SYMINGTON. I know of the legislative background incident to the matter we were discussing this morning, and ascertained that the Secretary of Defense believed the matter we discussed this morning, if implemented, would necessitate the approval of Congress.

Again, it is my hope that the chairman of the Committee on Foreign Relations would take the language suggested by the chairman of the Committee on Armed Services.

Mr. FULBRIGHT. I am willing to accept the Senator from Mississippi's proposed amendment in place of mine and would, of course, support it. I merely brought that to his attention, in that I thought there might be a distinction between the significance of the local forces in Laos. But if the Senator from Mississippi feels that strongly about it, I am

perfectly willing to accept his amendment as a substitute for mine.

Mr. STENNIS. It is my intention to have the presidential responsibility at the very peak, but I think he should be permitted to make the regulations, and then the Secretary can act on them.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Is it proper for me to accept the substitute or withdraw my amendment?

Mr. President, I modify my amendment as proposed by the Senator from Mississippi.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. I do not understand.

The PRESIDING OFFICER. The Senator from Arkansas has modified his amendment.

Mr. FULBRIGHT. I modify my amendment in accordance with the suggested words of the Senator from Mississippi. It is his proposal, and that disposes of it.

The PRESIDING OFFICER. The amendment is so modified.

Mr. STENNIS. I want to discuss it a little further, but I yield to the Senator from Kentucky.

The PRESIDING OFFICER (Mr. SPONG in the chair). Will the Senator send the amendment, as modified, to the desk.

Mr. STENNIS. Mr. President, I yield to the Senator from Kentucky.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me first briefly?

Mr. STENNIS. I yield.

Mr. FULBRIGHT. Did the Senator suggest to strike "any other act" and only confine it to this act?

Mr. STENNIS. No, that was done in marking it up.

Mr. FULBRIGHT. The Senator does not wish to strike out "any other act."

Mr. STENNIS. No, that is part of it. The selling is on it now.

Mr. FULBRIGHT. Very well.

Mr. STENNIS. I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I did not wish to intervene until the Senator from Arkansas and the Senator from Mississippi had agreed upon the questions which the Senator from Arkansas had raised. Now, I wish to raise another question on this section. I hope I may have the attention of the Senate for just a few minutes.

When I first read title IV on page 5 of the bill, the thought came to me that it could be considered a commitment as defined in the national commitments resolution which was adopted almost unanimously by the Senate. I may attach too much importance to language, but I want to give the reasons for my thinking in this direction.

In Vietnam we are furnishing supplies and equipment to the South Vietnamese and to other free forces who are assisting the South Vietnamese. We are also using our troops in support of the South Vietnamese.

The same situation may prevail in Laos and Thailand, as far as I know. We have authorized the supply of equipment and materiel to Laos and Thailand. Until a few years ago such supplies were authorized under the military assistance section of the foreign aid bill; in 1967 the authority was transferred to the military authorization bill.

My question goes to the meaning of the word "support." Is it intended in this section that support of free forces in Laos and Thailand is limited to equipment, materiel, and supplies, or is it intended that word "support" shall include the use of our own Armed Forces in support of the local forces of Thailand and Laos.

Mr. STENNIS. No.

Mr. COOPER. If use of our forces is intended, article IV of the bill could be construed as a commitment of our Armed Forces.

Mr. STENNIS. Mr. President, the Senator presents a very good question but I do not

hesitate for one moment in answering it does not include troop personnel of that kind.

As a matter of fact, I shall have printed in the RECORD within just a few minutes an itemization of these very items for fiscal year 1968, fiscal year 1969, and fiscal year 1970, prospectively. We are dealing here with \$2,226,400 for fiscal year 1970 which includes no military construction at this time, but procurement for the Army, Navy, shipbuilding conversion, aircraft procurement, missile procurement, and other procurement, and the operation and maintenance for the Army, Navy, Marine Corps, and Air Force. So it is strictly military matters, and military matters alone.

Mr. COOPER. Mr. President, I accept of course, as all of us do, the statement and intention of the Senator from Mississippi, about his understanding of the matter. But it is important that we know the intention of the language which speaks of itself. I would ask if the Senator from Arkansas and the Senator from Mississippi would be willing to modify paragraph (2) which now reads "(2) local forces in Laos and Thailand;" so as to insert before "local" the words: "to provide equipment, material supplies, and maintenance thereof to". The additional language would remove any question of the intention—I do not know this is so intended; I hope it is not intended to use any of these funds for our forces to support the local forces of Laos and Thailand.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. COOPER. I base my suggested language in part on a statement made by former Secretary of Defense McNamara when he asked that funds to assist Laos and Thailand local forces be taken out of the foreign aid bill and placed in the defense bill. He supported his request in a letter to Senator RUSSELL, chairman of the Armed Forces Committee.

We are prepared to provide Laos and Thailand the equipment and supplies they require to combat the armed Communist forces which threaten their freedom. Therefore, the transfer itself implies neither escalation of conflict nor change in type or level of assistance; it merely reflects the most effective manner to handle the problem.

My amendment would limit the use of any of the funds, as far as Laos and Thailand are concerned, to equipment, material, and supplies.

Mr. STENNIS. The Senator might supply his language on that point. With respect to equipment and supplies there, we already have a list in the RECORD of what is represented.

Perhaps the language would provide this would not include any troops or U.S. forces. Maybe that would cover it.

Mr. COOPER. "Other than U.S. forces."

Mr. MILLER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MILLER. Mr. President, I would like to make a comment. Perhaps the Senator from Mississippi and the Senator from Kentucky might indicate whether or not this is within the scope of the Senator's proposed language. My understanding is that maintenance can be involved as well as the actual supplies and material.

Mr. STENNIS. Yes.

Mr. MILLER. If we are going to have maintenance, this could indicate contract maintenance, or it could indicate modifications of equipment. So I certainly think maintenance should be in this language if we are going to use specific language.

Mr. STENNIS. The word "maintenance" is in the bill of particulars that I am going to have printed in the RECORD. It does include many things in addition to military hardware. It really has no place in this bill, strictly speaking, except \$247 million. As a matter of convenience we put it in 2 or 3 years ago.

I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I am certain I know what the Senator from Kentucky is getting at. I find myself in favor of that but I have a question as to whether or not his exclusion would be so complete that we could not, for example, install radars in Laos or Thailand, or electronic detection equipment, or electronic relay equipment that would require, at least for a time, personnel from the United States. These people might not be in uniform. They might be South Vietnamese. Would the idea of the Senator from Kentucky go that far?

Mr. COOPER. Mr. President, I shall try to make myself clear. I do draw a distinction between operations, on the one hand, in Vietnam and in Laos and Thailand, on the other.

Whatever may be one's views on Vietnam, we are assisting Vietnam in at least two ways; one by the supply of equipment and materiel; and the other, and of greatest importance, by the use of our Armed Forces in support of Armed Forces of Vietnam and other free forces. I have never voted against funds for these purposes.

It has been said by former President Johnson that we have made a commitment for the use of our Armed Forces by the Gulf of Tonkin resolution. It has been debated and debated. In any case, we are in Vietnam, and we are at war. I do not know what is occurring in Laos or Thailand but I know it has not been declared either by the Executive or the Congress that we have a commitment in Laos and Thailand against the Pathet Lao, or any insurgents in Thailand, or Laos. The United States is at least not at war in Laos or Thailand. My purpose is to be sure that we do not provide funds for the use of our Armed Forces in support of the local forces of Laos and Thailand and thus run the risk of becoming engaged in war without joint authority of the Executive and Congress.

On June 25, the Senate passed a resolution which had been introduced by the Senator from Arkansas, which was later modified and passed almost unanimously by the Senate. It states:

"Resolved, That (1) a national commitment for the purpose of this resolution means the use of the Armed Forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the Armed Forces or financial resources of the United States, either immediately or upon the happening of certain events, and (2) it is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment."

Mr. President, this bill when enacted will become a statute. It will represent the action of both Houses of Congress. It leaves no doubt that we are ready to provide financial resources of the United States to local forces in Laos and Thailand, but if we do not make certain by proper language that it does not provide funds for our Armed Forces to engage in fighting in support of the local forces of Laos and Thailand, it would be interpreted that this statute does provide such funds for such use of our Armed Forces. This may be said to strain language, but if it is strained, we become involved in Vietnam by strained action, by the strained premises by the evolution of events which. I am sure, no one in the early years intended or thought would bring us into that war.

I want to provide language in this section, that will insure that use of the funds involves only the financial resources of the United States. That means our money, our equipment, our materiel, our supplies and operations related thereto. It would prohibit the use of Armed Forces in support and

combat support, of local forces fighting in Laos and Thailand.

Mr. SYMINGTON. Mr. President, perhaps we are missing a danger involved in all of this; namely, if we lend or sell equipment to the present Vietnam Government, it is very possible that in the not too distant future, the North Vietnamese and the Vietcong could well be using that equipment against some of the countries which today are on our side; specifically, Laos and Thailand.

That, I think, is a great danger, as evidenced by the fact that in the hearings conducted in the Foreign Relations Committee last year, relative to the sale of arms to other countries, we found there were some 6,000 American tanks which, in effect, were for sale if it could be arranged on the right basis to countries in other parts of the world where the tanks were not considered obsolescent.

With complete respect for the remarks of the distinguished Senator from Kentucky, there is no real secret about the fact that we have and are conducting military operations in Laos; also that we are conducting military operations from Thailand. I believe that it is important to recognize tonight if Americans are in danger in Thailand or if Americans are in danger in Laos, because of actions taken over recent years, it is as important for us to work to defend them in those countries as to defend them in South Vietnam.

This morning, in a hearing conducted in the Foreign Relations Committee with respect to certain activities, the witness, not of high rank, testified that before anything occurred under the contingent agreement in question, the matter should be taken up with the Congress.

That, to me, made considerable impression, because at least up to this administration, many things took place in Laos and Thailand which were not taken up with the Congress. So I checked the legislative history of the present Secretary of Defense when he was a Member of the other body, and found that he was forceful in stating such matters should be taken up with the Congress.

I also found to my satisfaction that the reason this witness stated it should be taken up with the Congress was probably because the Secretary of Defense believed it should be taken up with the Congress. I believe, therefore, that we are in a new era when it comes to the method and the nature of risking troops and utilizing equipment, in foreign countries. I would give full and great credit to the efforts which have been made by the chairman of the Foreign Relations Committee so as to clarify this matter in these hearings.

But, for these reasons and because of the position taken by the current management of the Defense Department, I would hope that we would see fit to pass title IV as it is now in the bill.

Mr. President, I regret implications—not made here on the floor of the Senate—which would imply that we have no military operations in Laos. We know we are having them there; and we know we have built six major bases in Thailand.

I believe that title 4 is all right, I think this discussion has been constructive from the standpoint of the future.

Mr. STENNIS. As it is, by adoption of the amendment of the Senator from Arkansas?

Mr. SYMINGTON. That is right; the amendment of the able Senator from Arkansas, as modified by the amendment of the distinguished chairman of the Armed Services Committee. We will have both committees working together, and this part of the bill will be settled.

Mr. STENNIS. Mr. President, the Senator from Texas had asked me for recognition. I yield to him.

Mr. TOWER. Mr. President, I would like to associate my self with the remarks of the

distinguished Senator from Missouri. I think the thrust of the amendment of the Senator from Kentucky would be to deny involvement of American personnel. It should be roundly defeated. To begin with, what we are talking about when we talk about Thailand and Laos forces is paramilitary forces, regarding counter-insurgency work. We are trying to give them the sophisticated equipment to do anything, for example, airlift and radar. If we cannot train them to use the equipment, it is pretty useless to give it to them.

I might say that our bases in Thailand are defended by Thai troops. It is proposed that they get no personnel support from the troops in Thailand? Are we going to get no support for the air bases that are supposed to be defended?

The thrust of the amendment of the Senator from Kentucky would be to necessitate using American personnel for work that they would not have to do if we were to allow some support of Thai troops or paramilitary troops.

Mr. COOPER. Mr. President, I would like to hear from the Senator from Arkansas.

Mr. STENNIS. Mr. President, if the Senator will excuse me just a minute, the Senator from Arkansas and the Senator from Indiana asked me to yield to them. I believe the Senator from Arkansas asked me first. I yield to him.

Mr. FULBRIGHT. Mr. President, as I said a moment ago on this particular amendment, it seems to me that, with the amendment of the Senator from Mississippi, it would be satisfactory. I think the matter raised by the Senator from Kentucky, however, is a very significant one, and I do not want, in any offhand way, to make what might be called a national commitment with regard to Thailand.

In my next amendment as printed, No. 111, which deals with the question of the Secretary of Defense making available reports prepared by outside organizations. I have in mind such things as "think tanks," and so on. That amendment is before the Senate.

I have also prepared another section which I want to discuss as a modification to my amendment, which provides that—

"The Secretary of Defense shall also provide to the Committees on Armed Services of the Senate and the House of Representatives a copy of all bilateral contingency plans, signed by a representative of the Department of Defense and an official of a government of a foreign country, involving use of United States forces for the joint defense of that country."

It deals, in effect, with the point the Senator from Kentucky has raised.

The point of the Senator from Kentucky is a very important one. I do not wish, through inadvertence, to see another Gulf of Tonkin resolution go through here without knowing it. I am inclined to believe that, with the explanation and interpretation given by the Senator from Mississippi and the Senator from Missouri, it would be certainly an outrageous way to interpret it if it were done that way.

I wonder if the Senator from Kentucky could not offer this amendment at a later date as his own amendment on this precise subject. I do not know whether the next amendment would cover it.

I think the Senator has a valid point, but I do not think it is necessary, with what has been said with regard to this amendment.

Mr. STENNIS. Mr. President, if I may say this, I think the Senator from Kentucky has made a contribution here. I have enjoyed getting his thought. This is purely a money bill. This is purely a special section here for foreign military aid. It has 2 years of use as a precedent. Except to put a ceiling on it, I believe we ought to proceed in that way.

Mr. FULBRIGHT. The Senator believes it would be an outrageous distortion to interpret it as authority for use of our military

forces, apart from what they are presently doing?

Mr. STENNIS. I do not see how it could be interpreted that way. It would be a real monstrosity.

I yield to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I do not think there is any question that the amount is for military hardware and uses of that kind, and does not involve soldiers at all. But I rose to ask the Senator this question: He remarked \$2.5 billion. During the hearings that were held 2 weeks ago, the figure was \$2.2 billion instead of \$2.5 billion.

Mr. STENNIS. That is correct.

Mr. ELLENDER. Would the Senator modify his amendment to include that figure?

Mr. STENNIS. No. I think there should be some latitude. The \$2.2 billion, which I mentioned during the debate, was arrived at when the budget was written up. We have already had a somewhat augmented program to aid the Vietnamese to build up their military forces.

I think that \$2.5 billion figure is a realistic one.

Mr. ELLENDER. The reason why I raised the question is that we used the figure of \$2.5 billion during all the hearings we had as being the amount of foreign aid to be used for military hardware.

Mr. STENNIS. It will not hurt at all to have this excess. I suggest that in the supplemental bills the extra amount of money will be used. It is better to have it done that way than to have the department draw the money from somewhere else and then come before the Congress with a big deficit. I think we ought to accept the figure of \$2.5 billion.

Mr. COOPER. Mr. President, it is late and I do not want to detain the Senate. As I have said, I may be straining the point, but I do not think so.

This is an important matter. For years we have been talking about Vietnam and cries of anguish have gone up because we did not look ahead and consider the steps that were being taken could lead to our involvement in war. This bill before us will become a statute—could be another step involving the United States such as the course of events led to our involvement in Vietnam.

I would agree that it would be a monstrosity if the President of the United States, upon the language of this section should consider the language of this bill as authority to enter the war in Laos or Thailand. It would be a monstrosity, and I have full confidence in President Nixon, and that he would not do so, but that does not relieve us of our responsibility.

It is admitted here by the chairman of the committee that these funds shall be used only for what has been termed military assistance.

Is that correct?

Mr. FULBRIGHT. That is correct.

Mr. COOPER. And, as I understand it that they shall not be used for our armed forces in support of fighting, or assisting fighting of the local forces of Laos and Thailand, other than for supplies. Therefore, I will propose another amendment. "Military assistance." I believe, is a phrase of art. Is it not?

Mr. STENNIS. Well, the Senator would know more about that than I would.

Mr. FULBRIGHT. For years it was in the foreign aid legislation. I assume it is still considered as such.

Mr. COOPER. In the testimony of the Secretary of Defense before both the Armed Services Committee and the Foreign Relations Committee in 1967, he spoke of the transfer of military assistance from the foreign aid bill to the defense bill. He called it military assistance.

Mr. FULBRIGHT. That is right.

Mr. COOPER. That is what it had been termed when it was considered by the Foreign Relations Committee.

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I propose: On line 15 before "local" insert the words "military assistance" so as to read "Military assistance to local forces in Laos and Thailand." If these two items, Vietnam, Laos, and Thailand, were separated and distinguished there would be no problem of a misunderstanding.

However, the same words are employed for the use of funds in Vietnam as for Laos and Thailand, and there could be a mistake about their meaning. I would urge that before "local" there be inserted the words "Military assistance."

Mr. FULBRIGHT. I would think that would be all right.

Mr. STENNIS. We are talking about money. We are talking about funds. The first sentence reads "Not to exceed \$2.5 billion of the funds authorized for appropriation for the use of the Armed Forces," and so forth. We are talking about money, and that is all.

Mr. FULBRIGHT. Yes.

Mr. STENNIS. And it would not fit in there before the Senator's words "local forces," it seems to me.

Mr. COOPER. I thought my suggestion would help. I will offer the amendment I first proposed. Is it in order for me to offer an amendment?

Mr. SYMINGTON. Will the Senator read it?

ESTIMATED AMOUNTS INCLUDED IN MILITARY FUNCTIONS BUDGET FOR SUPPORT OF FREE WORLD MILITARY ASSISTANCE FORCES IN VIETNAM, LAOS, AND THAILAND AND RELATED COSTS, FISCAL YEAR 1970 BUDGET INCLUDING THE AID/DOD REALINEMENT

(In millions of dollars)

	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970
<b>Military personnel:</b>			
Army.....	118.0	114.2	116.3
Navy.....	.8	.6	.1
Marine Corps.....	15.0	14.8	14.2
Air Force.....	.2	.2	.2
Total, military personnel.....	134.0	129.8	130.8
<b>Operation and maintenance:</b>			
Army.....	605.8	708.0	632.8
Navy.....	43.3	47.5	53.7
Marine Corps.....	6.1	10.7	10.3
Air Force.....	55.0	131.8	157.1
Total, operation and maintenance.....	710.2	898.0	853.9
<b>Procurement:</b>			
Army.....	552.5	1,243.5	927.3
Navy.....			
Other procurement.....	5.8	10.2	4.2
Shipbuilding and conversion.....	4.5	6.5	3.4
PAMN—Navy aircraft and missiles.....			.2
Marine Corps.....	62.5	50.8	88.3
Air Force.....			
Aircraft procurement.....	36.1	88.1	103.9
Missile procurement.....	.1		
Other procurement.....	67.4	85.4	114.4
Total, procurement.....	734.9	1,484.5	1,241.7
<b>Military construction:</b>			
Army.....	1.7	10.7	
Navy.....	1.9	3.3	
Air Force.....	9.0	1.5	
Total, military construction.....	12.6	15.5	
<b>Grand total.....</b>	<b>1,591.7</b>	<b>2,527.8</b>	<b>2,226.4</b>

Mr. STENNIS. Mr. President, I believe that for the information of Senators, the clerk should read the amendment of the Senator from Arkansas, as modified.

The PRESIDING OFFICER. The clerk will state the amendment of the Senator from Arkansas, as modified.

The legislative clerk read as follows:

"On page 5, line 11, strike out the quotation marks and the word 'Funds' and insert in lieu thereof the following: 'Not to exceed \$2,500,000,000 of the funds'.

"On page 5, line 17, strike out the words 'the Secretary of Defense' and insert in lieu thereof the words 'the President'.

"On page 5, line 17, insert after the word 'conditions' the phrase 'under the Presidential regulations'."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas, as modified.

The PRESIDING OFFICER. The Chair rules that it is not in order for the Senator from Kentucky to offer an amendment at this point, except by unanimous consent.

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. After the pending amendment is voted upon, as it has been modified would an amendment to the modified amendment then be in order?

The PRESIDING OFFICER. Will the Senator from Kentucky send his proposed amendment to the desk?

The Chair would say, in answer to the inquiry of the Senator from Kentucky that after the pending amendment, as modified, is voted upon it would be in order that his amendment be considered.

Mr. STENNIS. Mr. President, I think the amendment has been fully explained. I ask unanimous consent that the table of funds to which reference has been made, the last item being \$2.2 billion, be printed in the Record at this point.

There being no objection, the table was ordered to be printed in the Record, as follows:

Eisenhower, military advisers were sent to Vietnam. I do not know whether I should speak of a statement former President Eisenhower made when he is now dead, but I think it proper. He came here one day 2 years ago and talked to a number of us. He said—

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COOPER. He said that the only commitment he had made, was to provide military assistance in the form of advisers, and to provide economic aid as long as South Vietnam made appropriate steps to help itself.

I may say that, after searching the record, that is all I could ever find that he had promised.

For years, he had our military advisers in Vietnam. We furnished equipment to Vietnam; we supported various regimes—it is hard to remember how many—and then, as the fighting increased in the outer areas, we began to send troops to those areas, to assist the South Vietnamese in actual fighting. They were finally fired upon, and it became a matter of national honor to defend them, as the President had the right to do, additional troops were sent to South Vietnam and step by step we had become involved in the war in Vietnam.

I am sure that President Eisenhower, President Kennedy, or President Johnson never intended that we would be involved in war and certainly no major war. But we conveyed to South Vietnam the impression that we would stand with them and defend them. I believe we conveyed that impression throughout Southeast Asia.

Wars start from small beginnings. I have thought, and many Senators have thought—it was definitely the expression of the Senate in the adoption of the National Commitments Resolution—that a likely way to become involved in a war is to put our armed forces in another country where there is a local war. And if we stay there long enough and send enough men there, they will be fired on some day, and then, as I have said, it is a matter of national honor and, because the President has the constitutional duty to protect our troops, we will be involved in a war.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. FULBRIGHT. What the Senator has said does revive in my memory very clearly what was said, and particularly what I said, after having been briefed and informed by the Secretary of Defense, the Secretary of State, and the Chairman of the Joint Chiefs, in regard to the Gulf of Tonkin resolution.

The Senator is very persuasive. It is a fact, even though I thought it was a monstrosity, that later the resolution was interpreted as it was by the President of the United States, that it was so interpreted; and every time the matter came up it was thrown in our faces. I believe the Senator's amendment will make the Senate's intent clearer and more positive. I do not really see how this can restrict the President's obligations, and I hope the Senator from Mississippi will accept the suggestion of the Senator from Kentucky. What we are trying to do is protect ourselves from such a monstrous interpretation. That having happened within the memory of all of us here, I believe it would be a very healthy thing for it to be accepted.

Mr. President, I am not sure; can I accept it? I would be willing to do so, with the agreement of the Senator from Mississippi.

Mr. STENNIS. Mr. President, the Senate has voted on the other amendment.

Mr. FULBRIGHT. That is right.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. I have the floor, but I will yield to the Senator for that purpose.



Mr. STENNIS. Mr. President, the amendment of the Senator from Arkansas has already been agreed to. Can any one Senator accept another amendment to that?

The PRESIDING OFFICER. Is the Senator from Mississippi asking that question as a parliamentary inquiry?

Mr. STENNIS. Yes, of course.

The PRESIDING OFFICER. The Chair rules that it cannot be accepted. The amendment of the Senator from Arkansas has been voted upon. This is new matter.

Mr. COOPER. I hope not, but it is possible we may be in war in Laos or Thailand; and if we go into war with the concurrent authority of the President of the United States and Congress, we will understand where we are, and at least Congress and the President will have made a determination that it is in our national interest.

We may become involved in war without such a determination at some point, with some 35,000 troops in Thailand, as I recall.

Mr. FULBRIGHT. There were 45,000 at the last count, I think.

Mr. COOPER. If at some point we thus became engaged in fighting, we may find ourselves at war by the same process as that by which we backed into war in Vietnam.

Again, I point out that the language of the amendment applies both to Vietnam and to Laos and Thailand. It is the identical language.

I read the language to which I refer:

"Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam, (2) local forces in Laos and Thailand;"

The same language is used for both countries. It is a possible interpretation that these funds could be used in the same way in Laos and Thailand as they are now being used in Vietnam.

I have said that it would be preposterous if the Secretary of Defense or the President were to use the funds in Laos and Thailand as they are being used in Vietnam as a result of the language of title IV. However, it is our province and our responsibility to make certain that the funds are not treated in the same way. This is the purpose of my amendment. It is simply to provide that as far as Laos and Thailand are concerned, these funds will only involve material, equipment, supplies, and related costs. The term "related costs" is in the language of the bill.

If this is what is intended by the sponsors of the bill and the administration, I do not see why they should not accept my language. It would remove all doubt.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. COOPER. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, I make two points. In effect, we have been in war in Laos for years, and it is time the American people know more of the facts.

Second, the present Secretary of Defense states that, if this matter comes up again from the standpoint of any contingent agreement, he believes it is a matter which should be taken up with the Congress.

Mr. ALLOTT. Mr. President, I believe that the previous remarks of the distinguished Senator from Missouri, as well as his just completed remarks, are well taken.

Mr. SYMINGTON. Mr. President, I thank the Senator.

Mr. ALLOTT. Mr. President, I have been very quiet during the course of this debate. And, as I have listened to the debate, I find my emotions swelling up within me to the place where I think I would be hard pressed to express them in the period of 3 or 4 hours.

I am not a warlike man, nor am I an unpeaceful man. But I find it difficult for anyone who was concerned with the vital committees of the Senate to stand on this floor and say he did not know in the spring of 1964 that we were becoming involved in the war in Vietnam.

It is impossible for anyone not to have known it.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. COOPER. Mr. President, was the Senator referring to me?

Mr. ALLOTT. I was referring to anyone who was a member of the Foreign Relations Committee or the Appropriations Committee at the time.

Mr. COOPER. Let me say in response that during that debate I said that I knew what we might get into. I voted for the resolution, but I had no misapprehension about its possibilities. The debate will show that on that day I said that it could lead us into war, but we had confidence in the President that he would use his authority with judgment.

However, I do not want the United States to get into the same situation again by the failure of the Congress to exercise its responsibility.

Mr. ALLOTT. Mr. President, I appreciate the situation of the Senator. And I ask him, and he can answer it in any way he wants to, if he does not believe the Secretary of Defense of his own party and if he does not believe his own President, because we have had assurances from both of them that we will not have any more commitments of troops in the Far East.

Mr. COOPER. Mr. President, will the Senator let me respond?

Mr. ALLOTT. The Senator may respond.

Mr. COOPER. Mr. President, I believe in the responsibility of the President, and I believe in President Nixon. He is my President whether he is Republican or Democrat. It happens that we are members of the same party, of which I am proud.

I understand and respect his responsibility. I believe that he will exercise it to the best of his ability, and he has great ability.

I believe also in the responsibility of Congress, both the House of Representatives and the Senate. I believe that we have a responsibility to determine also, whether the United States should go into war and whether we should become involved in situations which will send us into war—whether our national interests, security and proper commitments are actually involved.

We are talking about the future, and whether we will take steps or refuse to take steps that may prevent or inhibit the possibility of war.

Mr. ALLOTT. Mr. President, I understand the concern of the Senator about not wanting to become involved in another Vietnam. However, my statement was that there is no reason for anyone who was a member of the Foreign Relations Committee of the Appropriations Committee, and particularly the Defense Subcommittee, or the Armed Services Committee, not to have known in the spring and summer of 1964 that we were going to become involved in a war.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. ALLOTT. Mr. President, I yield for a question.

Mr. FULBRIGHT. Mr. President, it seems to me that repeating the statement is inviting comment upon a matter which was discussed at length. And the Senator looks in this direction.

I was there. It is true that in the spring of 1964, we had approximately 15,000 or 16,000 soldiers in Vietnam. There had been a gradual escalation from the time that President Kennedy came in, when there were less than 800 men who were considered to be

advisers. They were not considered to be combat soldiers.

Mr. ALLOTT. There were 60,000 if the Senator wants the exact figure.

Mr. FULBRIGHT. Mr. President, I do not think anyone thought that we were at war or anticipated that we would be at war there in the future.

President Eisenhower had been given the opportunity to go to war in Vietnam and he rejected it—I think very wisely—on the advice of General Ridgeway and General Gavin.

I certainly did not think we were getting into war when President Kennedy sent advisor personnel out there.

It is my impression that at about the same time he sent troops to Germany because Khrushchev had threatened him, he believed, at the meeting at Vienna.

I do not believe that he intended to get into war any more than he intended to get into war in Germany by sending those troops there.

No action had been taken when it came to the Gulf of Tonkin incident itself.

Mr. ALLOTT. Mr. President, with all due deference to the Senator, I said that I would yield for a question. I have been listening to the distinguished Senator, without interrupting him for weeks now. I yielded for a question, not for a speech.

Mr. FULBRIGHT. Mr. President, I will put it this way. Has the Senator read the report of the Foreign Relations Committee on the incidents of the Gulf of Tonkin?

Mr. ALLOTT. Recently?

Mr. FULBRIGHT. At any time.

Mr. ALLOTT. Yes.

Mr. FULBRIGHT. Was the Senator not impressed with the fact that the representations given to that committee by the then Secretary of State, Secretary of Defense, and the Chairman of the Joint Chiefs of Staff proved to be in error?

Mr. ALLOTT. I am completely aware of that. And I was present during all of the Gulf of Tonkin debate. I am aware of the statements made by various Senators at that time.

Mr. FULBRIGHT. The Senator is aware that the statements made by the Chairman of the Foreign Relations Committee were based on information given to him which information proved to be in error.

The question I ask the Senator is this: That being so, how can he make the statement that we all knew—and assume he means by that intended to accept—the Southeast Asia resolution was the equivalent of a declaration of war?

Mr. ALLOTT. Mr. President, I have made no such statement. I have tried to make my remarks, and I am going to make them if we stay here until midnight, despite the Senator's loquacity. I never made the statement or implied the statement that when the Gulf of Tonkin resolution, for which I admit I voted, was passed, everybody knew we were going to get into war. That was not in 1964. The Gulf of Tonkin resolution was not passed in 1964.

Mr. PASTORE. Yes; it was.

Mr. FULBRIGHT. Unfortunately it was in August of 1964.

Mr. ALLOTT. I thought it was before that. I apologize.

Mr. FULBRIGHT. I happen to know about that. I was present.

Mr. ALLOTT. I apologize. I have my dates crossed.

Mr. FULBRIGHT. The alleged incidents took place on the second and fourth of August, 1964. The resolution had been prepared long before that, I think. It was introduced in the House, and it was acted upon almost instantaneously.

Mr. ALLOTT. Let me say to the Senator that my mind played me a trick. I thought it was before this.

But I will still go back to the statement I made that in 1964 no member of the Armed Services Committee or the Appropriations Committee—particularly the Defense Committee or the Foreign Relations Committee—should not have known that we were being committed to a war at that time.

Now, Mr. President, I want to continue—  
Mr. FULBRIGHT. Maybe we should be a lot brighter than we are, but I did not know it, I am frank to say.

Mr. ALLOTT. Well, I am not surprised.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. GOLDWATER. Mr. President, having had some unpleasant personal experiences about that time in 1964, involving this subject, I can speak with some experience on it. I have made the charge repeatedly, and it has never been denied—and this information came to me before my campaign actually started—that we did not drift into this war. We had a small number of advisers over there in 1960 and 1961, and suddenly 15,000 to 16,000 men were sent over, with explicit orders to shoot back.

I tried to bring this to the attention of the American public; I could not get anybody to listen to me. I do not think it would have made a bit of difference.

But we were at war when the Gulf of Tonkin incident took place. I remember begging for equal time on television so I could present not the Republican side but this American side of the understanding of what was going on in Vietnam, and I never got any place. When you are shooting back in a situation such as that, you are in war; and although we had advisers over there who were explicitly told never to fire on anyone, this advisory situation ended some time in 1962, when the troops were told to fire back.

I suggest to the Senator from Kentucky that, unless I am badly mistaken, even his language could not prevent a President from giving the same orders or a Secretary of Defense from giving the same orders.

So I have a feeling that what we are talking about now gets to the fact of whether or not we, as Senators, have faith, regardless of whether we are Republicans or Democrats, in the man who has been elected President and the men with whom he has surrounded himself as Secretary of State and Secretary of Defense.

I merely wanted to inject this because I have not heard it brought up. I have never been challenged on it, and I have made it and made it and made it.

Mr. ALLOTT. I would say to the Senator that I see no reason to challenge it, looking backward for 5 years now.

Mr. Stennis addressed the Chair.

Mr. ALLOTT. I wish to continue.

Mr. STENNIS. Mr. President, if the Senator will yield for this statement—it is 6 o'clock, and if we are going to have a vote tonight, I think we should vote, with all deference to the Senator from Colorado. I just want to give my opinion.

Mr. ALLOTT. Mr. President, I want to defer to the Senator, but I have kept very quiet during the past weeks. My remarks will be very short. The fact that I would like to speak for 3 or 4 hours does not mean I am going to do so or have any intention of doing so.

Mr. STENNIS. I withdraw my request.

Mr. ALLOTT. If the Senator will permit me to continue for a short time, I will be very grateful to him.

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. ALLOTT. Mr. President, looking at the present amendment, I wish to say this: The thing that has concerned me about many of the rash of amendments that we have had—some of them have been meritorious—is that in my belief the Senate may be moving

toward the position of creating a vacuum in Southeast Asia.

I know that the domino theory was discredited by all the intellectuals in this country several years ago. But whether the domino theory was discredited by the intellectuals or not, the fact is that if we do not preserve free governments in Southeast Asia, we are leaving a vacuum which is going to be filled faster than we can turn around by the Red Chinese and by the North Vietnamese.

As long ago as 1962, I brought to the attention of the State Department—without any action or any acknowledgement in any way—the fact that Red Chinese troops were roaming at will through a good portion of northern Thailand. They still are, except that now they are actually engaging in acts of war. This is a large area. It is composed of many people, and with it a lot of the natural resource wealth of the world.

We have done very well, in my opinion, in Indonesia; perhaps not as startlingly well as in Malaysia.

But if we permit Laos to go completely down the drain, Thailand to go down the drain, and Vietnam to go down the drain, as some people would like to do—and some people would like to have us encourage the promotion of a dual government there—I do not think it will be long before Southeast Asia will have become a Communist stronghold. When this occurs, I think our position in the world will be much more difficult; our position with the Philippines will be much more difficult; our position with Indonesia will be much more difficult; and our position with Malaysia will be impossible.

When we formed the tripartite situation in Laos, I said at the time it would not work. It has not worked. Today we find that the Plain of Jars in Laos is pretty much overrun by the Viet Minh.

If I may have the attention of the Senator from Kentucky particularly as I make this remark, I do not want to see commitments made for ground troops in this area any more than he does. He is no more sincere in his belief than I am. But I am sure he knows that we have air bases in Thailand. He knows that we have a naval base in Thailand. That is no secret. He knows of our activities now—which I shall not mention—in Laos, activities which do not involve ground troops.

I have read his amendment. I say in all sincerity, looking down the road to what I think could happen if the Senate keeps on with this sort of frenetic pattern it has established during the last few days and weeks, that I am afraid we shall be sending a good portion of the world down the drain. I have had the clerk write out the Fulbright amendment as modified. The amendment, so modified reads, in pertinent portion:

"Not to exceed \$2.5 billion of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam, (2)—"

And this is where the Senator's amendment comes in—  
"to provide materiel, supplies, equipment, and maintenance thereof to local forces in Laos and Thailand."

Have I quoted the Senator's amendment correctly?

Mr. COOPER. Correctly.

Mr. ALLOTT. In my opinion, what the Senator from Kentucky's amendment could mean is that we could not put supplies in Laos or Thailand to maintain our forces, or supplies to protect our airports, our Air Force, our naval bases, or anything else that we have there. The legislative history is quite clear, I think, as it pertains to every Senator, that none of us wishes to engage in more ground warfare in Southeast Asia or, for that matter, anywhere else.

But I cannot read his amendment in any way except as being a totally unacceptable and crippling burden upon the Secretary of Defense and the President. I know the Senator's concern. I know he is sincere. I have never seen him do anything in his life which was not sincere. He does not play games with people and he does not play games with legislation. He is completely a sincere, honest, and straightforward man.

But just as strongly, I would hope he would not press his amendment because I think it places a burden on our President with respect to the protection of our forces in those areas, which is something that no one, if he understood it as I interpret it, would wish to do.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. MURPHY. Mr. President, I wish to ask the Senator if it is not true that the President inherited the problems in Vietnam. I know the wish is shared by all of us that there had been another way to solve that problem. I know all of us wish that there was some way to solve it now without withdrawing from our commitments and without doing something that would not be in the best interests of our country.

However, is it not true that the President said on several occasions there will be no more Vietnams in his administration?

Mr. ALLOTT. That is my understanding of what he has said.

Mr. MURPHY. Would it not be considered responsible that this man who has been in public life for many years and who has been elected by the people of this country be given the confidence without trying to write into an authorization bill for military procurement provisions that might be a detriment to the protection of American people, American troops, and American property?

Mr. ALLOTT. I fully believe so; yes.

Mr. MURPHY. Mr. President, I have listened patiently to the discussion. As I said at the outset, and as the distinguished Senator from Florida stated, this entire discussion has been a filibuster. This entire discussion has taken place at the wrong time and under the wrong set of circumstances. It should not be a part of this particular bill. I made that statement on the first day we considered the bill.

I assure the Senate that the work of this committee was carefully and thoughtfully done. It was properly done. But now it is being shredded, twisted, and torn up. The more I hear this discussion, the more I am certain discussion on our foreign policy, present and future, should take place in this body, I would enjoy taking part in it.

However, it would seem to me, and I hope the Senator agrees, that this evening, at this stage, in this protracted discussion this is an unfortunate attempt to place restrictions on a new President who has been doing a magnificent job, as far as I know, in bringing about solutions to problems that he inherited. By taking a good hard look at them he will be able to find solutions.

Mr. ALLOTT. I thank the Senator for his contribution. I am appreciative of the Senator's statements.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. TOWER. Mr. President, I think this is a dangerous amendment. I think it is potentially mischievous and very unnecessary for us to vote on it tonight when it has not been printed and no one has had a chance to look at it. There is no copy available except what has been scratched in pencil on a piece of paper. I think the matter requires extensive debate.

I spent a great deal of time in Laos and Thailand. I know what we are engaged in and I know the extent to which we are involved.

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If a rigid interpretation were applied to the amendment of the Senator from Kentucky it could seriously jeopardize the lives of American men. I am not prepared to vote willy-nilly on something that we know nothing about. We do not know the reaction of the Department of Defense to the amendment or how they would interpret it.

If extended discussion is required on the matter tonight I am prepared to discuss it at length as long as anyone is prepared to sit and listen.

Mr. STENNIS and Mr. Fulbright addressed the Chair.

Mr. ALLOTT. Mr. President, I assured the Senator from Mississippi I would not retain the floor for more than a few minutes. I have no intention of holding the floor further.

I wish to say to the Senator from Mississippi that the statement made by the Senator from California is true. Senators can rest assured that any matter coming out of the committee of the distinguished Senator from Mississippi has had the most meticulous scrutiny, observation, discussion, and thought.

While I do not desire to retain the floor against the wishes of the distinguished Senator from Mississippi, I felt some of these things had to be said before this matter was voted upon because I am convinced this amendment would wreak a lot of havoc.

There can be no question in anyone's mind after this legislative history that the amendment agreed to a few moments ago was never intended to put ground troops in Laos and Thailand.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield to the Senator from Missouri.

Mr. SYMINGTON. I thank the Senator.

Mr. President, I would hope we could get on with the bill. I respectfully point out to the Senate the fact that the language was agreed to by the chairman of the Committee on Armed Services and the chairman of the Committee on Foreign Relations. I thought that the language agreed to was eminently satisfactory and that we could have gone ahead at least 1 hour ago and gotten through with this part of the bill.

Mr. ALLOTT. I yield the floor.

Mr. STENNIS. Mr. President, I appreciate the contribution of the Senator from Kentucky. I feel this section is old law. It already has a meaning. It has been followed these 2 years. It would be far better to keep this section now, as used heretofore, with the ceiling we have prepared. If the Senator from Kentucky wants to pursue his thoughts further, I know what a draftsman he is and that he does not need anyone particularly, but if he would put anything he has in mind in a separate amendment, it would be helpful to see what others thought.

I am glad now to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I have taken up a good deal of time tonight. I must say that I have not filibustered.

Mr. COOPER. I have taken some time because I considered this to be an important matter, much more important than merely reducing the amounts involved, with due regard to my friend from Arkansas and my friend from Mississippi. We are dealing with an entirely different concept: The question of whether funds can be spent for the use of our Armed Forces in fighting in support of local Laos and Thailand forces without a commitment by the President or the Congress or both, which might lead to war.

I would therefore urge that the question is much more important than the matter of dollars and cents.

I want to thank my friend from Colorado (Mr. Allott) for his statement. I know him. I know that he has deep feelings about these matters. He does sit quietly at times, but I know how deep his feelings run and he

speaks with conviction, courage, and force. I appreciate very much what he has said, and for his kind remarks about me.

Perhaps I may be sincere, but someone else might say that I may be sincere, but I may not be always right or too bright about things. Sincerity does not always make up for those qualities.

My amendment has not been printed. I had thought about it but as we were coming to the close of the debate in these 2 days before we recess, I did not expect to bring it up until after the recess. But when the Senator from Arkansas offered his amendment, I knew that mine should be offered.

I will not press for a vote tonight. I know that I can withdraw, and offer this amendment later, but I ask a parliamentary question because I want to be certain: Mr. President, in the event the Senator from Kentucky withdraws his amendment this evening, would it be possible for him to submit the amendment at a later date?

The PRESIDING OFFICER. Yes, that would be completely in order.

Mr. COOPER. I thank the Chair. I will withdraw the amendment but I will bring it up again. I hope that by the time I bring it up again, the Senator from Mississippi will have consulted with the Defense Department to see if they would be willing to offer language in title IV conforming to the Senator from Mississippi's understanding that it was their intention. The Senator has said it was intended that funds were to be used for supplies, equipment, and such. We have absolute confidence in the Senator from Mississippi, but the Department of Defense should spell out clearly the purpose of title IV relative to Laos and Thailand.

Mr. President, we have been talking about the President. President Nixon is my President. He is a Republican President. I do not want to go back into history, but members of my family have been Republicans since the Civil War—longer than some others have been, and some fought in the Civil War as Republicans. I support the office of President, I support the great responsibility it carries, and I have great admiration for and confidence in President Nixon.

But, I also respect this body. We have responsibilities, too. I do not want the President of the United States—and we are talking about President Nixon—to be hindered in his efforts by the same mistakes which have been made before.

It is rather curious that before 1966, when this item had been carried in the foreign aid bill for years, it was used for military assistance, meaning equipment, supplies, maintenance, food, and money. Then it was changed, and placed in the Defense bill.

It is rather curious that after it had been put in the Defense bill, we began to use helicopters in Laos and Thailand under orders of the Department of Defense, and I understand in military activities I cannot understand why the language is not differentiated between funds to be used in Laos and Thailand and funds to be used in Vietnam. It is exactly the same language. Perhaps funds are to be used for some military activities such as for helicopters. Helicopters may take local forces to back areas. Firing on the helicopters begins, as it did in Vietnam, and war comes.

In 1963 or 1964—before the Gulf of Tonkin resolution—I remember the former Senator from Oklahoma, Mr. Monroney, came back from Vietnam and told us that our helicopters were carrying men up the mountains, that there were U.S. riflemen on the helicopters who were firing in defense of the helicopters and the pilots, and that their fire was being returned from the ground. That may be what we are doing in Laos and Thailand now.

The fact that some Senators have stated we are engaged in fighting in Laos and Thailand makes it more important that we limit

the funds in this bill, because if we do not, if we approve that kind of activity it may lead—I hope not—but it may lead us into war.

The SEATO Treaty states that in the event of armed aggression against any of the parties thereto, including the protocol states, Laos, Cambodia, or Thailand, the parties thereto shall take action according to their constitutional processes.

Mr. President, what are the constitutional processes?

It is not defined.

When Secretary of State Dulles testified before the Foreign Relations Committee on the SEATO Treaty—I have read the testimony—he was asked what constitutional processes meant. He replied that it meant the joint authority of the executive branch and the Congress.

The national commitments resolution was recently passed, expressing the same sense.

If we are fighting in Thailand and Laos now, we should know it.

The President of the United States—whether he be President Nixon or President Johnson, or any President, in my view, has no right to take our country into war without first coming to the Congress and asking for its authority.

If a situation should arise where our forces were being attacked, of course, the President has the constitutional right to defend them and to protect the security of our country. But I do not want war to occur because of carelessness or failure to look ahead. If we get into war, I believe that the Senate wants the determination to be made by the joint authority of the President and the Congress.

Mr. President, that is the meaning of my amendment.

I shall withdraw the amendment tonight because many Senators have not had the opportunity to read it and to consider it. Unless the Armed Services Committee and its chairman modify the section by amendment—it has to be by amendment—and by interpretation so precise that no one can think anything to the contrary, I want to say that I will bring up this amendment again and we can determine if this body wants to abide by the constitutional processes, wants to abide by its national commitments resolution and wants to disapprove funds for the use of our forces which could lead us into another war without the consent of Congress.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator from Kentucky withdraws his amendment.

Mr. STENNIS. I thank the Senator very much for his splendid remarks and for what I think is a constructive step, and in withdrawing the amendment for the same being. That is all I have to say.

Mr. COOPER. Mr. President, I thank the Senator, and I may add to my remarks that I shall ask for a rollcall.

Mr. FULBRIGHT. Mr. President, I do not know what the wishes of the leadership or of the Senator from Mississippi are. I have a very minor amendment, which I can go over until September, but I wanted to inquire as to the wishes of the Senator from Mississippi.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Has the amendment been adopted?

The PRESIDING OFFICER. The amendment has been withdrawn. No amendment is pending.

Mr. FULBRIGHT. Mr. President, in other words, the one which I amended in accordance with the Senator's amendment has been adopted, according to my understanding.

Mr. STENNIS. That is my understanding.

Mr. FULBRIGHT. Mr. President, does the Senator wish me to offer amendment No. 111 at this time or not? The Senator is familiar with it.

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Mr. STENNIS. I cannot agree to it.

Mr. FULBRIGHT. I thought the Senator had proposed an amendment to it.

Mr. STENNIS. No; that is the wrong one. The Senator is referring to another amendment. I have only seen the amendment the Senator has handled me within the last hour or two.

Mr. FULBRIGHT. This is No. 111.

Mr. STENNIS. I was handed the wrong one.

Mr. FULBRIGHT. I am sorry the Senator was given the wrong amendment by mistake. Amendment No. 111 was submitted and printed about a week ago.

Mr. STENNIS. I am ready for the Senator to present his amendment, if he is agreeable to a proviso.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. FULBRIGHT. I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I do not feel I should let this occasion go by without expressing my respect, regard, and affection for the distinguished senior Senator from Kentucky (Mr. COOPER). What he tried to say and what he did was and is in the minds and hearts of all of us, and has been for almost half a decade, if not longer.

I want him to know that I honor him for his persistence as well as for his sagacity and I am delighted that he is going to introduce again the amendment which he has withdrawn, because none of us can alibi himself out of what he did on the Tonkin resolution. It was plain, clear, and legible, and every one of us understood it, but that does not mean many of us have not regretted it.

The reason why I am impressed by what the distinguished Senator has said is that he has tried, as best he knows how, to exercise his responsibility as a Senator of the United States. In the hope that this body—the Senate of the United States—will live up to its responsibility, collectively as well as individually, and that we will participate, insofar as we can within the realm of the Constitution, in making certain that we act in line with what President Nixon said just this past month, when he laid down, in Guam, the Nixon Doctrine for the Pacific.

He said, in effect, "No more Vietnams." He said, in effect, we are a pacific nation, with peripheral Asian interests in the mainland. He said, in effect, we are not going to get involved in internal difficulties. He said, in effect, we are not going to go to war again unless it is nuclear and our security is at stake.

So I am delighted that, even though the hour is late, the Senator from Kentucky did bring up this question. It is paramount. Everything that is happening and has been happening in Vietnam has an indirect and a direct relationship to many of the other troubles that confront this Republic today.

I agree with the Senator that we do not want to get involved again in an area which is not vital to the security of this country, and in an area which has cost this country over \$100 billion—and the end is not yet in sight—and not just 36,000, but altogether 44,000 dead—with the end not yet in sight—and with wounded of over 200,000—and the end not yet in sight.

So I think the warning raised by the distinguished Senator from Kentucky should be and will be heeded.

I want him to know that I honor him for what he has said, and I honor him for what he has done in this body.

Mr. FULBRIGHT. Mr. President, I would like to associate myself with everything the majority leader has said about the Senator from Kentucky. The Senator from Kentucky played a leading role relating to the recent resolution with regard to the responsibilities of the Senate and the Congress. In offering this proposal and in making the statement he made, he was carrying into effect the

letter, and I think the spirit, of that resolution. He has rendered a great service.

I could go further and say that, as a result of the efforts of the Senator from Kentucky, I have noticed that the Senate as a whole in recent weeks has shown a greater sensitivity to its responsibilities in this whole area than it has ever done in the 25 years I have been in the Senate. I think the Senator from Kentucky deserves the credit which the Senator from Montana so appropriately expressed.

Mr. JAVITS. Mr. President, if the Senator will yield, I wish to associate myself with the remarks just made by my colleagues. The Senator from Kentucky is a dear old friend of mine. I made the practical suggestion that to articulate this amendment properly it will take not only the Department of Defense, but it will take the State Department, which have a role in trying to coordinate the military and diplomatic activities of the United States.

I think the majority leader's words give added authority to the need for articulating an amendment which will be upon the level of the one we discussed so long and which was decided so narrowly, but which will truly seek to carry out a policy of the United States. That is what this amendment is really all about.

I know that I, as a member of the committee, and I am sure the chairman, will cooperate with our colleague from Kentucky, so that when he presents the proposal it will truly represent the Senate declaration as articulated, and which raises the question which the Senator from Colorado (Mr. Allott) raised, all of which is pertinent to our security requirements.

Mr. COOPER. I thank the Senator.

Mr. JAVITS. I think he has rendered a historic service.

Mr. FULBRIGHT. Mr. President—

Mr. STENNIS. Mr. President, who has the floor?

THE PRESIDING OFFICER. The Senator from Mississippi yielded to the Senator from Arkansas. He had the floor initially held by the Senator from Mississippi.

The Senator from Arkansas.

Mr. FULBRIGHT. I was going to yield to the Senator from Kentucky.

Mr. STENNIS. I yield briefly to the Senator from Kentucky.

Mr. COOK. Mr. President, I wish to associate myself with the remarks made by the majority leader and would like to say to my colleague that I would hope he would do us the honor, when he resubmits the amendment, to consider using the argument that is now in the Record and disseminating it to the Members of this body, and that he would do many of us the honor of asking for co-sponsors to his amendment when it may be submitted in the future.

Mr. STENNIS. Mr. President, I yield to the Senator from Arkansas. If he would rather have the floor, I yield the floor.

Mr. FULBRIGHT. Very well. I will take the floor. I want to direct an inquiry to the Senator.

Mr. President, I wish to take the floor.

THE PRESIDING OFFICER. The Senator from Arkansas.

Mr. FULBRIGHT. It is my understanding the Senator from Mississippi has prepared an amendment to my amendment No. 111—a proviso, I should say, at the end—which made the amendment acceptable to him. Is that correct?

Mr. STENNIS. I may say to the Senator for Arkansas that an additional question has arisen here about which I think we ought to have a colloquy with respect to possibly re-drafting the amendment of the Senator. I am in sympathy with the amendment. I believe we could work something out along that line.

Mr. COOPER. Mr. President, I think

this question is a profound question that we are dealing with here and one that the Senator from Missouri has raised and deserves great credit for raising. I commend him for his efforts.

Mr. SYMINGTON. I thank the able Senator from Kentucky, one of the most respected members of this body. As he will remember, I urged him to put air power in his resolution, because air power constitutes the majority of our operations in and over Laos. At various times, I have often felt, "Finally I now know what we are doing in Laos." Each time I found out, however, that I did not know the entire story.

As lawyers observe—I say this with respect and not in any criticism—partial truth is an evasion of truth.

There are very important questions concerning the military situation in Laos. One is that little of their manpower is left. Souvanna Phouma, at a dinner here about a year and a half ago, said to us:

When I first needed arms, I asked the Communists to give me military aid. When they refused, I came to you.

The implication was clear; if we did not give him the military aid, he was going to get that aid from the Communists.

It is my belief, as well as that of experts, that the forces which oppose his government in Vientiane can take Laos any time they choose, unless the United States decides to start another major military intervention in that country.

There is a further development since the hearings the Senator referred to, namely, the greater importance relatively speaking—especially with respect to their military role—of the CIA-directed irregulars. They are close to being about all that is left to protect Souvanna Phouma and his government.

As we know, Pak Se is now in danger. Luang Prabang was in danger for some time.

Finally, and in some ways certainly most important, is the possible confrontation with the Chinese. In the air we are flying pretty close to China. No one had the remotest idea the Chinese would move in force against us in North Korea when they did just that some 20 years ago. We all know the results of that development.

So, despite the fact I respectfully commend the administration for accomplishing better relationships recently with the Chinese, these activities do not seem to support that better understanding.

One can only view with apprehension the number of military commitments of the United States. I recently returned from Germany. As an American, I would not want to see soldiers of a foreign country walking up and down the streets of St. Louis 25 years after the end of a war.

This psychology prevails around the world today. [Deleted.]

So it seems some of these Laos operations should be examined, not only from a strictly military point of view, but also from the standpoint of diplomacy, international relations.

I yield to the able minority leader.

Mr. SCOTT. Mr. President, I join the distinguished Senator from Missouri in

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expressing the hope that as much as possible of the report of the two staff members can be declassified.

I ask the Senator if it is not the fact that in discussing the allegations regarding the so-called massive U.S. bombings in the north, the charge was the bombings caused great losses among the civilian Laos population and were principally responsible for the refugee problem in Laos. Is it not a fact that the committee investigators do not come to the conclusions I have stated? As a matter of fact, they point out—while they treat it briefly—it is my understanding, that what they found was that while there had been occasional injury to the civilian population, there have been great efforts to avoid it, and that the refugee problem was due to many things, among which the bombing was one. But generally these two charges repeated in the press are not actually borne out by the two staff members.

Mr. SYMINGTON. The distinguished minority leader has made a good point. We do not know just how much damage has been done to the civilian population. The people the staff members saw assured them it was relatively little.

We have the B-52 raids. The staff was told in Vientiane that there were [deleted] raids in the first 4 months of this year, as against [deleted] such raids last year. Then we have fighter planes us there. They use napalm as well as bombs.

I would say that undoubtedly some of the reports have been exaggerated.

In the report itself, the staff members point out:

Given the apparent stringency of these rules of engagement, it is difficult to see how roads with civilian traffic, villages and groups of civilians could have been bombed, rocketed or napalmed. It seems clear, however, although the rules are stricter now than they were some years ago, that mistakes do happen (especially when Forward Air Controllers begin flying missions as soon as they arrive in Laos); that some pilots have deliberately violated the rules of engagement expending ordnance against unauthorized targets (the town of Khang Khay being a notable example); and that the system itself is so complicated that it cannot possibly be foolproof. Indeed the effort to provide in the rules of engagement for every contingency appears to create obvious loopholes. One is the rule which allows ground fire to be returned virtually anywhere in Laos when a U.S. plane is participating in a search and rescue operation or is flying in support of infiltrating or exfiltrating troops.

There are plenty of instances known to American civilian employees who have been in Laos for some years in which civilian targets have been bombed. There is a certain reluctance, especially on the part of the Air Force, to admit that mistakes have happened which tends to undermine the credibility of official claims made about the infallibility of the conduct of the air war in Laos. The Embassy itself is quite insistent that the rules are scrupulously observed. Yet it apparently has no system for regular photographic review of the results of individual strikes, although it can and does ask for special photography if there is reason to believe a violation has occurred.

In the previous administration we found our advisers were flying with South Vietnamese pilots who could not speak

English and the advisers could not speak Vietnamese; it is so often difficult to know just what is going on. But I do feel that any air activity around northern Laos has in it the incipient danger of starting a major war.

Mr. SCOTT. Mr. President, the President's report in March of 1970 points out that the respective press conferences of the 26th of September and 8th of December 1969 and 30th of January 1970, had indicated a number of things, one of which was:

That at the request of the Royal Laotian Government, we have flown reconnaissance missions in Northern Laos in support of the Laotian government's effort to defend itself against North Vietnamese aggression and that we were engaged in some other activities.

Then he goes on to say:

It would, of course, have posed no political problem for me to have disclosed in greater detail this military support activity which had been initiated by two previous administrations and which have been continued by this administration.

I have not considered it in the national interest to do so because of our concern that putting emphasis on American activities in Laos might hinder the efforts of Prime Minister Souvanna Phouma to bring about adherence to the Geneva Agreements by the Communist signatories.

That is part of what he said. Now, in doing that, and in the speech, does not the President recite the goals that the Senator worries about today when he says that we do not have a policy regarding Laos.

Then the whole speech of the President points back to the statements of the other Presidents. He says:

Our goal in Laos has been and continues to be to reduce American involvement and not to increase it, to bring peace in accordance with the 1962 agreement and not to prolong the war.

He quotes earlier the statement of President Kennedy in 1961:

Laos is far away from America, but the world is small. The security of all Southeast Asia will be endangered if Laos loses its neutral independence.

When we put those two statements together, are they not the goals of three successive administrations?

Mr. SYMINGTON. Mr. President, during the administration of President Kennedy, I am sure his goal was also peace, the same as other presidents.

With respect to the statement made by President Nixon, he talks about reconnaissance. We are all looking at each other. I am sure the Soviets take pictures of the capital every day the weather is good. And I am also sure we take pictures of theirs.

What I was and am worried about, however, was and is the nature and the degree of combat involvement up in northern Laos, much of it close to China.

It seems that now we all have the goal of getting out as soon as possible. I do not want to be sarcastic, but have never understood how the best way to get out of one country was to invade two other countries—Cambodia and more recently Laos. I would think the best way to achieve the goals the minority leader pre-

sented would be to give fullest support to the Laotian Government.

Anyone who has been to Laos would say this present government would fall even faster than the Governments of either South Vietnam or Cambodia without this heavy support from the United States.

Mr. SCOTT. But the Senator spoke about the wide U.S. participation and the potential threat existing there.

President Kennedy ordered 500 marines to that country in May 1962. Did President Kennedy ask the consent of Congress prior to going in there with the Marines?

Mr. SYMINGTON. I do not know if he made any specific request.

Mr. SCOTT. I supported him.

Mr. SYMINGTON. If we made a mistake in 1962, or any other year, that does not justify another mistake today.

Mr. SCOTT. I was in favor of it.

Mr. SYMINGTON. At one time I, too, was in favor of many things in the Far East; but that was before I knew as much about what we were and are doing as I know today.

Mr. GRIFFIN. Mr. President, will the Senator yield to me?

Mr. SYMINGTON. I would be glad to yield to the distinguished assistant minority leader.

Mr. GRIFFIN. Mr. President, this follows along on a point involved in the colloquy with the distinguished minority leader. Some reference was made to the fact that in his statement in March 1970, President Nixon, in what I think was a very candid and forthright statement of the situation and the facts regarding our involvement in Laos, not only made it clear that we have flown reconnaissance missions in northern Laos, but he also said:

We have continued to conduct air operations. Our first priority for such operations is to interdict the continued flow of troops and supplies across Laotian territory on the Ho Chi Minh Trail.

Then he says:

In addition to these air operations on the Ho Chi Minh Trail, we have continued to carry out reconnaissance flights in Northern Laos and to fly combat support missions for Laotian forces when requested to do so by the Royal Laotian Government.

At another point in this statement of March 1970, he said:

Our support efforts have the one purpose of helping prevent the reorganized Laotian government from being overwhelmed by larger Communist forces dominated by the North Vietnamese.

It may be that the air combat support missions—perhaps different planes are being used, perhaps they are in a different place, but the fact that we were doing more than conducting reconnaissance flights was no surprise to Congress in March of 1970.

With the consent of the distinguished Senator from Missouri, I would ask unanimous consent that this entire statement of President Nixon of March 1970, be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:



August 3, 1971

SCOPE OF THE U.S. INVOLVEMENT IN LAOS—  
A STATEMENT BY PRESIDENT NIXON<sup>1</sup>

## DEPARTMENT OF STATE

In light of the increasingly massive presence of North Vietnamese troops and their recent offensives in Laos, I have written letters today to British Prime Minister Wilson and Soviet Premier Kosygin asking their help in restoring the 1962 Geneva agreements for that country.<sup>2</sup>

As cochairman of that conference, the United Kingdom and the Soviet Union have particular responsibilities for seeing that its provisions are honored. My letters note the persistent North Vietnamese violations of the accords and their current offensives, support the Laotian Prime Minister's own current appeal to the cochairmen for consultations, urge the cochairmen to work with other signatories of the Geneva accords, and pledge full United States cooperation.

Hanoi's most recent military buildup in Laos has been particularly escalatory. They have poured over 13,000 additional troops into Laos during the past few months, raising their total in Laos to over 67,000. Thirty North Vietnamese battalions from regular division units participated in the current campaign in the Plain of Jars with tanks, armored cars, and long-range artillery. The indigenous Laotian Communists, the Pathet Lao, are playing an insignificant role.

North Viet-Nam's military escalation in Laos has intensified public discussion in this country. The purpose of this statement is to set forth the record of what we found in January 1969 and the policy of this administration since that time.

## I. WHAT WE FOUND

## A. The 1962 Accords

When we came into office, this administration found a highly precarious situation in Laos. Its basic legal framework had been established by the 1962 accords entered into by the Kennedy administration.

Laos has been a battleground for most of the past 20 years. In 1949 it became a semi-independent state within the French Union. The Pathet Lao Communists rebelled against the government in the early 1950's and fighting continued until the 1954 Geneva settlements ended the Indochina war. Laos at that time became an independent neutral state. The indigenous Communists, the Pathet Lao, nevertheless retained control of the two northern provinces.

Since then, this small country has been the victim of persistent subversion, and finally invasion, by the North Vietnamese.

By 1961, North Vietnamese involvement became marked, the Communist forces made great advances, and a serious situation confronted the Kennedy administration. In his news conference of March 1961, President Kennedy said, "Laos is far away from America, but the world is small. . . . The security of all Southeast Asia will be endangered if Laos loses its neutral independence."<sup>3</sup>

In May 1961, negotiations for a Laotian settlement opened in Geneva, with Governor [W. Averell] Harriman as the chief American negotiator. During the course of those long negotiations, fighting continued and the Communists made further advances. Faced with a potential threat to Thailand, President Kennedy ordered 5,000 marines to that country in May 1962.

Finally, in July 1962, after 14 months of negotiations, 14 nations signed the Geneva accords providing for the neutralization of

Laos. Other signatories besides the United States included the Soviet Union, Communist China, North Viet-Nam, the United Kingdom, France, the Southeast Asia Nations most directly involved, and the members of the International Control Commission, Canada, India, and Poland.

These accords came 1 month after the three contending forces within Laos announced agreement on the details of a coalition government composed of the three major political factions and headed by the neutralist, Prince Souvanna Phouma. North Viet-Nam claimed that it favored a coalition government. Both North Viet-Nam and the Soviet Union backed Prince Souvanna for his new post. The present government of Laos thus has been the one originally proposed by the Communists. In approving the 1962 arrangements, the Kennedy administration in effect accepted the basic formulation which had been advanced by North Viet-Nam and the Soviet Union for a Laotian political settlement.

## B. The Record 1962-1969

Before the ink was dry on the 1962 Geneva documents, and despite the fact that they embodied most of its own proposals, North Viet-Nam started violating them. In compliance with the accords, the 666 Americans who had been assisting the Royal Lao Government withdrew under ICC supervision. In contrast, the North Vietnamese passed only a token 40 men through ICC checkpoints and left over 6,000 troops in the country.

A steadily growing number of North Vietnamese troops have remained there ever since, in flagrant violation of the Geneva accords. They climbed to about 33,000 in mid-1967, 46,000 in mid-1968, and 55,000 in mid-1969. Today they are at an all-time high of some 67,000 men.

These are not advisers or technicians or attachés. They are line units of the North Vietnamese Army conducting open aggression against a neighbor that poses no threat to Hanoi.

In addition, since 1964 over a half million North Vietnamese troops have crossed the "Ho Chi Minh Trail" in Laos to invade South Viet-Nam. This infiltration route provides the great bulk of men and supplies for the war in South Viet-Nam.

The political arrangements for a three-way government survived only until April 1963, when the Pathet Lao Communist leaders departed from the capital and left their Cabinet posts vacant. Fighting soon resumed, and since then there have been cycles of Communist offensives and Royal Laotian Government counter-offensives. The enemy forces have been led and dominated throughout by the North Vietnamese. In recent years Hanoi has provided the great majority of Communist troops in Laos.

North Viet-Nam appears to have two aims in Laos. The first is to ensure its ability to use Laos as a supply route for North Vietnamese forces in South Viet-Nam. The second is to weaken and subvert the Royal Lao Government—originally established at its urging—to hinder it from interfering with North Vietnamese use of Laotian territory, and to pave the way for the eventual establishment of a government more amenable to Communist control.

Prime Minister Souvanna Phouma has tried a variety of diplomatic efforts to restore peace in Laos. He has repeatedly appealed to the co-chairmen and others to help arrange for restoration of the 1962 accords. He and the International Control Commission, hampered by lack of authority, have reported and publicized North Vietnamese violations of the accords. And Prime Minister Souvanna Phouma has made several attempts to achieve political reconciliation with the Pathet Lao and to reconstitute a tripartite government.

None of these efforts has borne fruit.

Frustrated in his diplomatic efforts and confronted with continuing outside aggression, Souvanna has called upon three American administrations to assist his government in preserving Laotian neutrality and integrity.

By early 1963 the North Vietnamese and Pathet Lao had openly breached the 1962 agreements by attacking the neutralist government forces in north Laos and by occupying and fortifying the area in southeast Laos along what came to be known as the Ho Chi Minh Trail. In these circumstances, the Laotian Prime Minister requested American aid in the form of supplies and munitions. The Kennedy administration provided this assistance in line with the Laotian Government's right under the Geneva accords to seek help in its self-defense.

In mid-May 1964 the Pathet Lao, supported by the North Vietnamese, attacked Prime Minister Souvanna Phouma's neutralist military forces on the Plain of Jars. North Viet-Nam also began to increase its use of the Ho Chi Minh Trail to further its aggression against South Viet-Nam. The Johnson administration responded to Royal Laotian Government requests to meet this escalation by increasing our training and logistic support to the Royal Lao Government. In May 1964, as North Vietnamese presence increased, the United States, at Royal Lao Government request, began flying certain interdiction missions against invaders who were violating Lao neutrality.

Thus, when this administration came into office we faced a chronically serious situation in Laos. There had been 6 years of seasonal Communist attacks and growing U.S. involvement at the request of the Royal Laotian Government. The North Vietnamese had steadily increased both their infiltration through Laos into South Viet-Nam and their troop presence in Laos itself. Any facade of native Pathet Lao independence had been stripped away. In January 1969 we thus had a military assistance program reaching back over 6 years, and air operations dating over 4 years.

## II. THE POLICY OF THIS ADMINISTRATION

Since this administration has been in office, North Vietnamese pressure has continued. Last spring, the North Vietnamese mounted a campaign which threatened the royal capital and moved beyond the areas previously occupied by Communists. A counter-attack by the Lao Government forces, intended to relieve this military pressure and cut off supply lines, caught the enemy by surprise and succeeded beyond expectations in pushing them off the strategic central plain in north Laos known as the Plain of Jars.

The North Vietnamese left behind huge stores of arms, ammunition, and other supplies cached on the plain. During their operations in the Plain of Jars last summer and fall, Lao Government forces captured almost 8,000 tons of Communist equipment, supplies, and weapons, including tanks, armored cars, artillery pieces, machineguns, and thousands of individual weapons, including about 4,000 tons of ammunition. The size and nature of these supply caches the Communists had emplaced on the plain by the summer of 1969 show clearly that many months ago the North Vietnamese were preparing for major offensive actions on Laotian territory against the Royal Lao Government.

During the final months of 1969 and January 1970, Hanoi sent over 13,000 additional troops into Laos and rebuilt their stocks and supply lines. They also introduced tanks and long-range artillery.

During January and February, Prime Minister Souvanna Phouma proposed to the other side that the Plain of Jars be neutralized. The Communists' response was to launch their current offensive, which has recaptured the Plain of Jars and is threatening to go beyond the furthest line of past Communist advances.

<sup>1</sup> Issued at Key Biscayne, Fla., on Mar. 6 (White House press release).

<sup>2</sup> For texts of the Declaration on the Neutrality of Laos and an accompanying protocol, see BULLETIN of Aug. 13, 1962, p. 259.

<sup>3</sup> For President Kennedy's news conference on Mar. 23, 1961, see *Public Papers of the Presidents, John F. Kennedy, 1961*, p. 213.

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The Prime Minister is now once again trying to obtain consultations among all the parties to the Geneva accords, envisaged under article 4 when there is a violation of Lao sovereignty, independence, neutrality, or territorial integrity.

In this situation, our purposes remain straightforward.

We are trying above all to save American and Allied lives in South Viet-Nam, which are threatened by the continual infiltration of North Vietnamese troops and supplies along the Ho Chi Minh Trail. Hanoi has infiltrated over 100,000 men through Laos since this administration took office, and over 500,000 altogether. Our airstrikes have destroyed weapons and supplies over the past 4 years which would have taken thousands of American lives.

We are also supporting the independence and neutrality of Laos as set forth in the 1962 Geneva agreements. Our assistance has always been at the request of the legitimate government of Prime Minister Souvanna Phouma, which the North Vietnamese helped establish; it is directly related to North Vietnamese violations of the agreements.

We continue to be hopeful of eventual progress in the negotiations in Paris. But serious doubts are raised as to Hanoi's intentions if it is simultaneously violating the Geneva agreements on Laos, which we reached with them largely on the basis of their own proposals. What we do in Laos has thus as its aim to bring about conditions for progress toward peace in the entire Indochinese Peninsula.

I turn now to the precise nature of our aid to Laos.

In response to press conference questions on September 26, December 8, and January 30, I have indicated:

That the United States has no ground combat forces in Laos.

That there were 50,000 North Vietnamese troops in Laos and that "more perhaps are coming."

That at the request of the Royal Laotian Government, which was set up by the Geneva accords of 1962, we have provided logistical and other assistance to that Government for the purpose of helping it to prevent the Communist conquest of Laos.

That we have used airpower for the purpose of interdicting the flow of North Vietnamese troops and supplies on that part of the Ho Chi Minh Trail which runs through Laos.

That at the request of the Royal Laotian Government, we have flown reconnaissance missions in northern Laos in support of the Laotian Government's efforts to defend itself against North Vietnamese aggression and that we were engaged in "some other activities."

It would, of course, have posed no political problem for me to have disclosed in greater detail those military support activities which had been initiated by two previous administrations and which have been continued by this administration.

I have not considered it in the national interest to do so because of our concern that putting emphasis on American activities in Laos might hinder the efforts of Prime Minister Souvanna Phouma to bring about adherence to the Geneva agreements by the Communist signatories.

In recent days, however, there has been intense public speculation to the effect that the United States involvement in Laos has substantially increased, in violation of the Geneva accords; that American ground forces are engaged in combat in Laos; and that our air activity has had the effect of escalating the conflict.

\* For background, see BULLETIN of Oct. 13, 1969, p. 313; Dec. 29, 1969, p. 617; and Feb. 16, 1970, p. 173.

Because these reports are grossly inaccurate, I have concluded that our national interest will be served by putting the subject into perspective through a precise description of our current activities in Laos.

These are the facts:

There are no American ground combat troops in Laos.

We have no plans for introducing ground combat forces into Laos.

The total number of Americans directly employed by the U.S. Government in Laos is 616. In addition, there are 424 Americans employed on contract to the Government or to Government contractors. Of these 1,040 Americans, the total number, military and civilian, engaged in a military advisory or military training capacity numbers 320. Logistics personnel number 323.

No American stationed in Laos has ever been killed in ground combat operations.

U.S. personnel in Laos during the past year has not increased, while during the past few months North Viet-Nam has sent over 13,000 additional combat ground troops into Laos.

When requested by the Royal Laotian Government, we have continued to provide military assistance to regular and irregular Laotian forces in the form of equipment, training, and logistics. The levels of our assistance have risen in response to the growth of North Vietnamese combat activities.

We have continued to conduct air operations. Our first priority for such operations is to interdict the continued flow of troops and supplies across Laotian territory on the Ho Chi Minh Trail. As Commander in Chief of our Armed Forces, I consider it my responsibility to use our airpower to interdict this flow of supplies and men into South Viet-Nam and thereby avoid a heavy toll of American and Allied lives.

In addition to these air operations on the Ho Chi Minh Trail, we have continued to carry out reconnaissance flights in northern Laos and to fly combat support missions for Laotian forces when requested to do so by the Royal Laotian Government.

In every instance our combat air operations have taken place only over those parts of Laos occupied and contested by North Vietnamese and other Communist forces. They have been flown only when requested by the Laotian Government. The level of our air operations has been increased only as the number of North Vietnamese in Laos and the level of their aggression has increased.

Our goal in Laos has been and continues to be to reduce American involvement and not to increase it, to bring peace in accordance with the 1962 accords and not to prolong the war.

That is the picture of our current aid to Laos. It is limited. It is requested. It is supportive and defensive. It continues the purposes and operations of two previous administrations. It has been necessary to protect American lives in Viet-Nam and to preserve a precarious but important balance in Laos.

### III. THE FUTURE

Peace remains the highest priority of this administration. We will continue our search for it in Viet-Nam. I hope my appeal today to the Geneva conference cochairmen will help in Laos. Our policy for that torn country will continue to rest on some basic principles:

We will cooperate fully with all diplomatic efforts to restore the 1962 Geneva agreements.

We will continue to support the legitimate government of Prime Minister Souvanna Phouma and his efforts to deescalate the conflict and reach political understandings.

Our air interdiction efforts are designed to protect American and Allied lives in Viet-Nam. Our support efforts have the one purpose of helping prevent the recognized Laotian government from being over-

whelmed by larger Communist forces dominated by the North Vietnamese.

We will continue to give the American people the fullest possible information on our involvement, consistent with national security.

I hope that a genuine quest for peace in Indochina can now begin. For Laos, this will require the efforts of the Geneva conference cochairmen and the signatory countries.

But most of all it will require realism and reasonableness from Hanoi. For it is the North Vietnamese, not we, who have escalated the fighting. Today there are 67,000 North Vietnamese troops in this small country. There are no American troops there. Hanoi is not threatened by Laos; it runs risks only when it moves its force across borders.

We desire nothing more in Laos than to see a return to the Geneva agreements and the withdrawal of North Vietnamese troops, leaving the Lao people to settle their own differences in a peaceful manner.

In the search for peace we stand ready to cooperate in every way with the other countries involved. That search prompted my letters today to the British Prime Minister and the Soviet Premier. That search will continue to guide our policy.

Mr. SYMINGTON. May I observe to the able Senator that not so long ago there was a lot of talk about reconnaissance planes flying over North Vietnam, and that heavy attacks were made by our Government because of North Vietnamese attacks against these—our—reconnaissance planes.

One day I happened to ask the question: Were those reconnaissance planes escorted by American fighters? The answer was yes. Now it would have been very difficult at times for a North Vietnamese gunner on the ground with an antiaircraft crew to identify which plane was the reconnaissance plane and which was the combat plane because they were the same model. One is rigged for combat, the other for reconnaissance. It would be difficult for the antiaircraft gunners to determine whether the plane had come in to destroy them or to reconnoiter them.

No doubt we have sent fighter planes up to support forces of the Laotian Government. That does not worry me too much. What does worry me, however, is our air operations up in northern Laos coupled with the addition of thousands upon thousands of Chinese in northern Laos along the road being built at the request of Souvanna Phouma, and at least one the Chinese are building on their own. Thousands more Chinese are there than were there previously; and there is this heavy antiaircraft development.

I suggest to the assistant minority leader that shooting down a fighter bomber is one thing, but to lose some B-52's up there, either from antiaircraft fire or fighter attacks, that would well be a different ball game as against what we have had in the past, or what was referred to in the statement the Senator placed in the record.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the able Senator from Colorado.

Mr. ALLOTT. There are two or three points I would like to touch on briefly.

The Senator from Colorado became a member of the Defense Subcommittee on

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Appropriations at the time of the death of Senator Bridges of New Hampshire. That would take it back to the late fall of 1962, I believe it was, or perhaps January 1963.

I must say to my friend that I have seen him in committee meetings and I have sat with him for many hours in committee hearings of that particular committee. I do not refer to the Committee on Armed Services or the Committee on Foreign Relations because I am not a member of either of those committees.

But this Senator has been aware of the situation going on in northern Laos. I am certain almost all the time since I have been on the Defense Subcommittee.

I think during all this time also the construction of the road has been under way, and I can remember back as long as 4 or 5 years ago in the hearings when the fortifications in the defense of that road were discussed at some length in that committee.

The point of this is that really I am not sure. Perhaps the Senator from Missouri did not know these things. But I think if he casts his mind back, he will recall discussions of particularly the Plain of Jars situation and Prince Souvanna Phouma, if the Senator happened to be present at the Defense Subcommittee hearings at that time.

I am not sure he was present. Of course he is busy and he does not attend all of the hearings, but I know this Senator never had any communication with the Secretary of Defense or any of the sub-secretaries at that time and the only place I could have possibly found out this information was in the Defense Subcommittee on Appropriations. I think it is wise to keep this in mind.

Did the Senator say he had no awareness of the road until 1967?

Mr. SYMINGTON. I never said anything like that—have known about this road for a long time—but if the Senator from Colorado knew about B-52's operating in northern Laos in any quantity, he had information I did not have.

Mr. ALLOTT. No, the Senator did not mention B-52's. I am talking about general support.

Mr. SYMINGTON. The B-52 happens to be the largest strategic jet airplane in the world today.

Mr. ALLOTT. I know. I have seen them, too.

Mr. SYMINGTON. The staff report states:

*D. Chinese Forces.* The number of Chinese forces along the road they are building in northern Laos has increased from between 6,000 and 8,000, the figure given the Subcommittee two years ago, to somewhere between 14,000 and 20,000.

The Chinese have also moved in a heavy new increment of radar-directed anti-aircraft weapons, increasing the number by 100 in the last six to seven months to the present total of 395, including for the first time guns of 85mm and 100mm, the latter said to be effective up to 68,000 feet. Since early 1970, they have also [deleted]. Of the Chinese troops along the road, those who hold to the lower figure of 14,000 say that between 3,000 and 3,500 are members of anti-aircraft crews and the rest construction workers while those who give the higher estimate say that anti-aircraft crews total 6,000 to 7,000.

As a result of recent work done on the road it will be a motorable all-weather surface dual-lane highway by August all the way from the Chinese border to Muong Huon, although there has been no extension of the road past Muong Huon since February 1970. In addition to upgrading earlier road construction, the Chinese have, since November 1970, constructed eight small arms firing ranges of a kind normally associated with garrisons of ground troops as well as large headquarters buildings and 66 basketball courts. There are 154 camps along the road. The western branch of the road still ends 45 miles from Pak Beng on the Mekong River, some 20 miles from Thailand. On the eastern leg of the road, only a bridge or ferry across the River Ou needs to be built to connect with the road which has been reconstructed from Dienbienphu into Laos.

The point made is that I received no information about this from any committee; and there is a heavy additional number of Chinese, who possibly are military, placed into northern Laos. There could be a confrontation.

Mr. ALLOTT. This matter has been discussed before in that subcommittee; not with respect to the B-52's but with respect to the Chinese coming in and building the road.

Mr. SYMINGTON. That road development has been known for many years. We are talking about a difference in degree, not in kind.

Mr. ALLOTT. The document on our desks states there were 6,000 troops there.

Mr. SYMINGTON. A simple way to handle this would be to get the testimony from the committee.

Mr. ALLOTT. I think the record is there, and I do not want this moment to pass by treating this matter as if it all has come up in the last few months.

Mr. SYMINGTON. Except for the extensive use of B-52's in northern Laos, that was not my intention.

Mr. ALLOTT. It simply is not true.

Mr. SYMINGTON. I believe the President's statement from which the able minority leader was reading also stated:

We will continue to give the American people the fullest possible information on our involvement consistent with national security.

That is a fine expression of what I believe essential.

I yield to the able Senator from Michigan (Mr. HART).

Mr. HART. Mr. President, perhaps I am the only one here who has this question, but before we close perhaps my question could be clarified. That is the reason why I intrude.

Putting aside the question of the prudence of bombing so close to China, and what happened in 1965 or 1967, twice I got the impression that it is suggested that the executive branch has violated our law. Before we adjourn, will someone please explain to me if that is the position?

Mr. FULBRIGHT. Mr. President, will the Senator yield to me for a comment?

Mr. SYMINGTON. Inasmuch as the author of the amendment discussed is the distinguished chairman of the Foreign Relations Committee, I would suggest that he answer the Senator from Michigan.

Mr. FULBRIGHT. Mr. President, if

the Senator will yield, I have already made the point that last year, with the cooperation of the Senator, a restriction was put on the money to be used for military assistance in Southeast Asia by the Armed Forces. The Senator said that \$2.5 billion was appropriated; \$2.8 billion was originally authorized. This language was added to the Department of Defense authorization and appropriation bills:

Nothing in clause (a) of the first sentence hereunder shall be construed as authorizing the use of any such funds to support Vietnamese or other Free World forces in actions designed to provide military support and assistance to the governments of Cambodia or Laos.

When we struggled over that language here, we thought it would have some significance; that it would be an effective restriction against using money to pay, for example, for the [deleted] Thai troops now being paid to fight in Laos. The question was raised in the course of that debate that perhaps such costs were paid by the CIA, which raises an extremely important point about the CIA.

Whenever we restrict the use of money to be spent by the Defense Department in any specific way, such as we did here, then we find that funds are used by the CIA. There funds are carried in appropriation bills but not in any line item.

When we set that kind of restriction, Senators would logically conclude that the restriction would apply to the CIA. Originally the CIA was supposed to be an intelligence agency. Now, by a process of osmosis, the CIA has become another Defense Department, if we accept this situation, and, furthermore, a Defense Department that we cannot restrict.

We put in a restriction that money cannot be used to pay for Thai troops to fight in Laos, but it has been reduced to an absolute absurdity if all the executive branch has to do is take the money out of the CIA without our knowledge. It has been said that we all know about what the CIA is doing. I have been on the CIA oversight committee, and I have never seen any detailed figures whatever. Often the briefings are about how many missiles the Russians have. When we ask about specific operations, they say they are too secret; they can only report to the National Security Council, which means to the President.

There is a lot that I did not know about specifically in Laos. I did not know they were still paying for [deleted] Thai troops and intended to continue doing so. I thought that was prohibited by law. I still think, by any reasonable interpretation by a Member of Congress, that it is.

Nobody knows that the money has come from the CIA, unless the chairman of the Appropriations Committee knows. He may be privy to knowledge nobody else has. They do not give out this information. I would say, by any interpretation of the law, the executive branch is in violation of the law.

Mr. HART. May I address a further question? Let us assume that the reach

of our statutory language extends to CIA.

Does the discussion and debate about whether this northern activity is a separate war or whether it is a part of what we generally describe as the war in Vietnam have a bearing on the question of whether the law has been violated, even assuming that this language reaches the CIA? Is it not true that we made provision in that appropriation that the restraint we were imposing on the use of the moneys was not to be regarded as restraining its use if such use was required to protect our own people in Vietnam? Is the point about whether there is one war or two wars in Laos part and parcel of the argument over whether the law has been violated?

Mr. SYMINGTON. May I say to the Senator that it seems to me to be clear the executive branch has no right, under the law, to support [deleted] Thai troops in Laos. The chairman has answered that.

The Senator's second question is a nicer question. The relevant language in the Department of Defense Appropriation Act reads:

Nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war.

Under those circumstances, I would say you would have to stretch pretty far relating getting out of Vietnam to making these attacks in northern Laos.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. SYMINGTON. May I just complete this thought?

Mr. STENNIS. Oh, excuse me.

Mr. SYMINGTON. In the letter that was written to Chairman Fulbright by Secretary Abshire he tells us:

We believe that it has been made clear that it is not a question of United States support for regular Thai forces in Laos. The irregular forces involved, while raised and trained in Thailand, are all one-year volunteers who go to Laos to serve under the command of the Royal Lao government; in this case the Lao Military Region II Commander. The guerrilla forces are therefore considered to be local forces in Laos.

I am sorry the able Senator from Colorado (Mr. ALLOTT) left the floor, because he mentioned what has come up in the Appropriations Committee. There is nobody more diligent in finding out just what happens to the American taxpayers' money than the chairman of that committee who is now on the floor. Sure, we discussed the fact the Chinese were building roads in Laos. Sure, we discussed planes going up North. But we had no idea of the magnitude of the operations, from the standpoint, for example, of their recently installed antiaircraft defenses against our planes; or about the additional number of people—possibly military—they were putting around these roads, and the building of roads that we had no idea would be this type and character of roads, the building of additional roads, and so forth.

So again I say, when you get into this type and character of discussion, there

should be a recognition of the degree of change, for example scores of B-52 raids instead of one.

Mr. HART. I appreciate the help the Senator has given. I repeat, I would hope that all of us could resolve the very precise question: has there been a violation of law?

The other question is largely a matter of judgment—that is, what is or is not helpful in withdrawing from Vietnam. Because we can operate only behind closed doors on a matter like this, we should either stay until all of us understand the answer to the first question—the question of whether there has been a violation of the law—or resolve that no one will say a blessed word, because all of the screaming about law and order in this country is talking about something miniscule if in fact it is established that one branch of the Government ignores the law of the lawmakers.

Mr. SYMINGTON. If the Senator will yield, I would put into the Record at this time the details as to what has actually been going on with respect to Thai troops in Laos. Let us remember that if we are supporting Thai troops in Laos, that violates the law.

The staff report states:

At the time of our visit to Long Tieng on April 28, there were [deleted] Thai there, at the nearby base of Sam Thong, and at Hill 1663 near Sam Thong. (There was also a small Thai team of [deleted] men at Nam Yu in Military Region I.) The Thai irregulars are under [deleted] and the overall command of General Vang Pao, Commander of Military Region II. Of these [deleted].

Most of the irregulars have been recruited, we were told, as a "volunteer" force outside the Thai Army although [deleted]. The Thai irregular program developed during the past year and was designed by the CIA specifically along the lines of the irregular program in Laos. The CIA supervises and pays for the training of these irregulars in Thailand and provides their salary, allowances (including death benefits) and operational costs in Laos. We were told that the details of the funding were not known in Vientiane, as all of this bookkeeping is done in Washington. We were also told, however, that some of the funds probably come from the Defense Department budget. The pay and allowances of the Thai irregulars are said to be less than those of regular Thai Army personnel [deleted]. The Thai irregulars are transported from Thailand to Laos by Air America and are returned to Thailand when their tours are up again by Air America. We were told that the Embassy wanted to [deleted] the [deleted] with [deleted] because the [deleted] were more mobile and thus "could do things the others could not do." As for the future [Deleted]. The need for Thai "volunteers" results from the fact that the military manpower base in Laos is estimated to be 114,765 and the Lao Army, neutralist army, irregulars and Pathet Lao all must draw from this base which is now exhausted. (General Vang Pao's forces, for example, have suffered 3,272 killed and 5,426 wounded since 1967; as a result 40% of his forces are no longer Meo but Lao Thung.) Thus additional military manpower can only come from outside Laos. Estimates of the number of additional [deleted]. We also understand that there have been intermittent discussions regarding the possibility of [deleted].

Incidentally, we asked what motivated Thai to volunteer for the irregular forces in Laos in light of the heavy losses some units have suffered. We were told that the principal motivation was [deleted].

Those are the facts as given in Laos to our staff members. It is quite clear that at least the spirit, and in our opinion the letter, of the law were both contravened when we put the mercenaries from Thailand into Laos.

Several Senators addressed the Chair. Mr. SYMINGTON. I am glad to yield to the able Senator from Mississippi, chairman of the Senate Armed Services Committee.

Mr. STENNIS. I thank the Senator. On the question raised by the Senator from Michigan, the Senator from Missouri has, of course, correctly read the law as stated in the authorization act, which is Public Law 91-441, October 7, 1970.

However, that same language was brought forward in the appropriation bill, and some will recall that the language in the act of October 1970, was restated in the appropriation bill of January 1971, with this further provision:

Provided further, that nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.

In other words, it ties back in again to the condition regarding helping in the withdrawal or disengagement of U.S. forces from Southeast Asia.

So we have gone back and completed the cycle, now, with reference to language. I wanted to make that comment because it is relevant.

Mr. SYMINGTON. I appreciate that. I had intended to bring that up and would say two things:

We knew about the language. It is in the record. But it is not the position taken by the State Department in their letter to the chairman of the Foreign Relations Committee. It is really stretching one's imagination a long way to justify, for example, B-52 raids over northern Laos or napalming villages in northern Laos, as something necessary to insure the safe and orderly withdrawal of U.S. forces from Southeast Asia or the release of Americans held as prisoners of war in these various countries which once composed French Indochina.

The irony is, and I am glad to note it is becoming more of an issue with many of those most closely connected with the POW problem, that if we were to set a date to get out of this war, I think probably we would automatically solve the problem of meaningful and practical negotiations incident to the release of these American prisoners. If we did that, we would also save the taxpayers of the United States many additional billions needed so badly in other places, and at the same time—to me by far the most important—save the unnecessary additional loss of American and other lives, the lives of their military and civilians.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield.

Mr. FULBRIGHT. The Senator has already read Ambassador Sullivan's statement, but it ought to go along with this statement of the Senator. This is Ambassador Sullivan's statement before

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the Refugee Subcommittee of the Committee on the Judiciary:

The refugees in Laos are those whose lives have been disrupted by the other war in Laos, which has nothing to do with military operations in South Vietnam or Cambodia.

Surely, that makes clear what the administration's view is with regard to the war in northern Laos.

Mr. STENNIS. I thank the Senator for yielding. I did not know he had quoted that law.

Mr. SYMINGTON. I yield to the Senator from New Jersey.

Mr. CASE. I want to express my thanks to the Senator from Missouri for his initiative in trying to get to the bottom of this question of Laos. I also express my thanks to the Foreign Relations Committee staff members who have been enormously helpful in bringing the matter to our attention.

My only contribution on the point, if I have any to make, is this:

What we should be most concerned about is finding the best course of action for our country to follow in Laos. We should not overemphasize maintaining the dignity of the Senate or placing the question in dry, legalistic terms. Of course, we must be concerned with preserving the proper constitutional role of the Senate. But our main purpose should be to avoid unnecessary strife, suffering, bloodshed, and catastrophe in Southeast Asia.

That is why it is terribly important to get the facts out, so that a judgment on this matter can be made by Congress and by the people. If the President's actions in Laos are necessary in order to end the war in South Vietnam more quickly, then his contention should be tested. We shall never be able to judge this unless the facts get out, and that is what we are after. We are trying to find out the truth.

I do not think it is terribly important whether or not there is a technical violation of the regulations or the limitations placed in appropriation and authorization bills, so long as we can get the facts out. It certainly was not the purpose of Congress in drafting these limitations to hamstring the President in order to glorify the Senate. That was not the point. The point was that the Senate did not think it was a good idea for the United States to hire men to fight in Laos, whether they be regular Thai troops, whether they be irregular Thais, or whether they be from Timbuktu. We thought the idea of mercenaries was bad, and that is why we put the prohibition in the law.

I am not terribly interested in whether the administration, by calling the Thai troops irregulars, successfully avoided that prohibition in a legal way. I am deeply concerned that the administration placed the Thai troops in Laos, and in that way extended the war. Not that the administration did not think it was doing the right thing. Of course, it thought so. I think the administration was mistaken, and the American people should have the facts to decide whether or not a mistake was made.

The ultimate purpose of our inquiry this afternoon, I suggest, should be what

Mr. Moose and Mr. Lowenstein concluded in their report about the future of Laos. Where are we going from here? How are we going to get out of this thing? To answer these questions we need the information. I hope it will be possible at least for the concluding sections of the report to be put verbatim in the public record as early as possible, so the country can talk about Laos in these terms. The people do not want to hear any more as to whether the President exceeded his authority or violated the rights of Congress. Few in the country at large care about the rights of Congress or whether the President has exceeded his authority? We want to stop the fighting. That is what the people are interested in, and that is why we need the facts.

Mr. SYMINGTON. I thank the able Senator from New Jersey for his typically constructive remarks; and agree with the first part of what he said without reservation—namely, that what we should do is try to get the facts. That was the basic thrust of the request for this closed session. Let us have the truth.

But I cannot agree entirely with the second part—that it would seem relatively unimportant whether or not the law has been contravened. The Senate's position is important, just as is the position of the executive branch. The position of Congress is important.

Based on our slowly increasing knowledge of developments in this situation, we thereupon interpreted in practical fashion what the distinguished Senator from New Jersey referred to and passed a law. It is important, as the Senator from Michigan requested, to find out whether or not that law has been violated. Otherwise, we continue on the basis of the Congress saying, "You should not do it," but the executive branch saying, "We are going to do it." There is no way, as I see it, that we can prevent violations unless we uphold the dignity of the Senate by finding out whether or not the law was contravened. To me that also—with deference to the Senator from New Jersey—is an important aspect of this situation. Otherwise, why are we here? If we pass a law and the law can be honored in the breach, what real reason is there to be a Senator of the United States.

I have never questioned the sincerity or patriotism of any Senator. Under the Constitution, however, we have the right by majority to put up the money for what is going on in the Far East and all over the world; or not to put it up.

We have the right to find out whether or not a law we passed has been contravened. Otherwise we are just figureheads here, with not position of authority despite the specifics of that authority in the Constitution.

Mr. CASE. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to my friend from New Jersey.

Mr. CASE. I am sure the Senator recognizes that I was just emphasizing the question about which I felt we should be most concerned.

I did not mean that the constitutional provisions as to the rights and powers of the several branches of government

are not important. All I was trying to get at was: why are they important? Not because of the dignity of the individual; not because of the dignity of the Senate as such; but because the Founding Fathers thought, and I agree, that the separation of powers is deeply important to the continuation of democratic government and to the maintenance of peace. That is all I was talking about.

What I was trying to do was to carry this beyond the dry question of whether the Senate's power and authority had been abused and neglected; whether or not we had been brushed aside. The constitutional question is important, of course—but not so much in itself, or not because it affects individually the Senator from Missouri, the Senator from Arkansas, or anyone else. By this time, most of us have passed the point of worrying about matters such as that. We should be concerned that these abuses have taken place because they lead, in this instance, and in general, to the kind of danger to the peace we are all concerned about.

Mr. SYMINGTON. I thank the Senator from New Jersey for those comments.

Mr. GRIFFIN. Mr. President, will the Senator from Missouri yield?

Mr. SYMINGTON. I yield.

Mr. GRIFFIN. I want to agree with the senior Senator from Michigan, and also with the Senator from Missouri, that whether the President has violated the law is important and is not to be passed over lightly.

Because of that, I want to be sure that the case on the other side is at least adequately presented, at least as I see it, because I do not believe there was any violation.

The Senator from Mississippi has already pointed to the language. The proviso says that

\* \* \* nothing contained in this section shall be construed as prohibiting support of actions required to insure safe and orderly withdrawal or disengagement of United States forces from Southeast Asia.

Reasonable men can surely differ as to whether this action—whatever it was—was related to getting our men out of Southeast Asia. A very good case can be made that it is very important and that it means a lot. But aside from that, I think it should be clear that this language, limiting the appropriations in the Defense Department, prohibited the use of Thai forces providing support in Laos.

There is no question, I suppose, under the language here, that if the Thai Government sent forces into Laos under a Thai military command, and they fought, that there would be a violation.

But are we going to say that the Laos military command cannot recruit volunteers—if they were volunteers, and I take it there has been no real contention with the fact that they were volunteers—should limit the recruiting of troops in its own country? Should it not also be pointed out that those Thais who were recruited and fought under the command of Laotians—not a Thai military command—were, for the most part, ethnic Laotians? While it is true they were recruited from Thailand, they



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were ethnic Laotians. In other words, blood cousins. They have more than a pecuniary interest in what happens in Laos.

That fact has not been brought out. It should be emphasized.

Now, taking those two things together, and also the fact that this was a limitation on the Defense Department appropriation, it had nothing to do with the CIA. The CIA has been in there for a number of years, as has already been brought out.

There is a good case for the proposition that there has been no violation. Whether some further change in the law should be made is a matter for the Senate to consider in the future, but I want the record to have the case on the other side, and I believe it is a persuasive case.

Mr. SYMINGTON. Well, Mr. President, the able Senator from Michigan has made his case. I wish I could agree with him, but cannot, based on the record which I have read about these Thai forces in Laos.

A volunteer is someone who wants to do something, generally in case of war, at a sacrifice to himself. These Thais in Laos were recruited in Thailand. Their costs are paid for by the CIA—salaries, allowances. They are flown into Laos in American planes. If wounded, they are evacuated by Americans to a U.S. Air Force field hospital in northern Thailand—and so forth. The [deleted] pointed out that by going into Laos and [deleted]. So I do not see how anyone can call them volunteers in the true sense of the word.

However, this, no doubt, is an honest difference of opinion, and I appreciate knowing the Senator's position.

Mr. FULBRIGHT. On that last question, apparently the Thais are not recruited by the Lao Government but are recruited by the CIA and the Thai Government in Thailand. It was never suggested to our staff members at any time while they were there that these are ethnic Lao who want to go back and defend their homeland. That was never suggested by anyone in the field.

Mr. CRANSTON. Mr. President, will the Senator from Missouri yield?

Mr. SYMINGTON. I am glad to yield to the able Senator from California.

Mr. CRANSTON. In pursuing the question that the Senator from Michigan brought up, which I think is a helpful contribution to seek to clarify what had happened in relation to the will of the Senate and in the event the will of the Senate was violated, it would be helpful to know what funds were used for that purpose. It was unclear to me what has been used thus far. As pointed out by the Senator from Mississippi, the Senator from Missouri and others, funds have been transferred from one place to another.

Does the Senator know for a fact that the funds were CIA funds, or does the Senator know for a fact that the funds were from funds appropriated for the Defense Department under the Military Procurement Act but used for other purposes?

Mr. SYMINGTON. Based on our investigations, we cannot be sure of the source for all these funds. Certainly a lot came from the CIA. Based on the statements made to our staff, some apparently came from the Department of Defense. In an effort to answer the possibility of a question today, "So what?", I will, as I have said, introduce an amendment which will limit the amount of money that can be used in Laos, unless the administration presents its case to Congress for more money and gives the reasons why more money is necessary than what has been requested, with a ceiling in the coming fiscal year of \$200 million.

Mr. CRANSTON. What was the total sum appropriated in fiscal year 1971 for the CIA?

Mr. SYMINGTON. That figure, I believe, is not one that anyone in the Congress could give at this time. The total figure, however, is a great deal more than what we are discussing; that is, the total of what we are spending in Laos.

Mr. CRANSTON. My question relates to the sum that the Senator stated were spent, presumably authorized for these purposes. I wondered if that would constitute a substantial portion of the CIA budget or if it is an infinitesimal amount?

Mr. SYMINGTON. It is a substantial amount although interestingly enough, the total CIA budget is a relatively small amount of the total bill the American taxpayers pay for intelligence each year. The amount the CIA places into its Laos operations is not so great, in my opinion, that it endangers their operating efficiently, as they generally do, in other parts of the world.

Mr. CRANSTON. I am not probing to know how these sums are allocated within the CIA budget. I am interested in how many Senators know how much money is available to the CIA.

Mr. SYMINGTON. Mr. President, in that connection we have the chairman of the CIA Subcommittee on the floor. I would yield to him to determine if he would answer that question.

Mr. STENNIS. Mr. President, I think the Senator from Missouri is correct. We do not have enough facts here to say whether there is any CIA money that was used in this matter.

Mr. SYMINGTON. We do know that CIA money was and is used. We believe we know that a large amount was used. The CIA runs the most effective military operation being run in Laos today. And they run it with money we here both authorized and appropriated. As to what percentage that money is of the total amount obtained, that is a question the chairman could answer better than I.

Mr. STENNIS. Mr. President, it has not been established that direct military money was used here. I think rather than put the total amount for Laos in here as an estimate or a guess, it would be better to get the accurate figures.

Mr. CRANSTON. Mr. President, may the Senator from California ask the Senator from Mississippi a question? Does the Senator know whether CIA funds were part of the funds we have discussed this afternoon?

Mr. STENNIS. Mr. President, I am doubtful about it, frankly. I am doubtful about it, as to this military operation, from what I have heard here. But I think the facts can be established. And we ought to get them, not at this moment, but it ought to be established in a firm way so that we would know.

Mr. CRANSTON. I would like to repeat one question that has not been answered yet. What Senators know how much the total appropriation is for the CIA?

Mr. ELLENDER. That is top secret.

Mr. CRANSTON. Is it top secret what Senators know? I am not asking the figures as yet. I am asking what Senators know that figure. How many Senators know?

Mr. STENNIS. Well, I know it.

Mr. SYMINGTON. I know. The chairman of the Appropriations Committee and the chairman of the Foreign Relations Committee also know, as well as several other Senators now on the floor who are members of the CIA subcommittee.

I put in the record of this closed session the CIA money estimated to be used in the overall operation of this clandestine Laotian war—[deleted] million.

Mr. FULBRIGHT. Mr. President, that question, it seems to me, is very important. Most, if not all, of the money is carried within the military budget without anyone being able to identify it. We put in a restriction that no money should be used in this military assistance program for a particular purpose. If we are going to accept the principle that because CIA is not specifically mentioned, because it is not mentioned anywhere, the executive branch can do whatever it likes to evade the restriction, the restriction is or becomes a complete nullity.

What is the sense of the Senate acting if that is going to be the result? It is rather difficult to work out this kind of restriction. We spent a lot of time on it and came up with a nullity and a farce. It is farcical, it is idiotic to bring in an amendment saying that we do not want something done if the amendment is ignored. The Senator from New Jersey said that we are against hiring mercenaries in Laos. The Congress agreed. The President signed the bill into law. Then it turns out that the CIA is doing things that violate the amendment.

It seems to me that the behavior of not just the Senate and not just the Senate committees concerned about the whole legislative body makes no sense. When two or three Senators say they know, I am surprised they are so positive.

Mr. SYMINGTON. Was the question whether we know the overall amount?

Mr. FULBRIGHT. No. The question is how much money the CIA used.

Mr. SYMINGTON. [deleted] million was that figure? I do not wish to criticize the Central Intelligence Agency for their operations in Laos. The CIA did not want to conduct this war. It is an intelligence agency, not an agency to conduct war, rather to collect intelligence.

They have been given the authority and the instructions incident to the conduct of this war in Laos and as a result,

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the Senate knows little or nothing about its conduct as compared to what we know about the conduct of the war in Cambodia and Vietnam, as well as operations of our military forces in other parts of the world, where matters are directed from the Pentagon.

At times I have had my suspicions as to why this Laotian war was given to this intelligence agency instead of to the regular channels of military control under the Joint Chiefs of Staff.

Mr. FULBRIGHT. The CIA is not doing anything they have not been directed to do by the National Security Council. None of this is intended as criticism of the CIA. It is a criticism of the conduct of the overall war which is a responsibility of the Congress and the executive.

The question is whether the Congress can have any influence upon the conduct of the war. Can it do what the Senator from New Jersey said, say that we want to prohibit the employment of mercenaries in Laos?

I cannot think of any language more specific than that which the Congress passed and the President signed into law last year. What we are faced with is the question of whether the executive branch can evade that prohibition by using CIA money in part or in all.

The staff heard that part of this money for Thai troops came from regular Defense Department funds and part from CIA.

I have known, and several Senators have known, about this secret army. Mr. Helms testified about it.

[Deleted].

He gave the impression of being more candid than most of the people we have had before the committee in this whole operation.

I did not know enough to ask him everything I should have about Thai forces in Laos. I think these forces clearly violate the spirit and the letter of the law unless we can say the CIA is not responsible to the control of Congress. That provision was intended to cover the whole operation. Otherwise, it is a nullity and an empty gesture to put a prohibition into the law if it is not intended to cover the whole operation.

Mr. CRANSTON. Mr. President, will the Senator yield for a question on one other aspect?

Mr. SYMINGTON. I am glad to yield.

Mr. CRANSTON. Mr. President, the presentation and the discussion has been very illuminating.

Mr. SYMINGTON. I thank the Senator.

Mr. CRANSTON. [Deleted].

Mr. SYMINGTON. [Deleted].

Mr. CRANSTON. [Deleted].

Mr. SYMINGTON. [Deleted].

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. SYMINGTON. I am glad to yield to my friend from Mississippi.

Mr. STENNIS. I understand the Senator from Kentucky used my name, or had a question on these CIA funds, while I was out of the Chamber, I want to make clear that in this Laotian operation—all of it—the CIA has acted at the direction of the National Security Council or the President. I have been familiar

with the situation, and I know that to be a fact.

Mr. ALLOTT. Mr. President, will the Senator yield for a couple of quick non-controversial questions?

Mr. SYMINGTON. Any time I can accede to the wishes of my colleague from Colorado, that is a privilege.

Mr. ALLOTT. Who are the staff people? When the bell for the quorum call rang I thought it was a routine quorum call and I was 6 or 7 minutes late.

Mr. SYMINGTON. The gentleman to my left is James Lowenstein, and the gentleman with the Senator from Arkansas (Mr. Fulbright) is Richard Moose. These are the two staff members who visited Southeast Asia last April and May; and then made this report.

Any time the Senator would like to discuss or review any part of this report with them, I am sure they would be honored to do so at the Senator's convenience.

Mr. ALLOTT. Were they sent there under a letter of direction by the Senator from Missouri or the chairman of the committee?

Mr. SYMINGTON. I wrote letters to the Secretary of State, the Secretary of Defense, and the Director of the Central Intelligence Agency. We gave their names and they received all necessary clearance. They went with the knowledge of the proper departments of the executive branch.

Mr. ALLOTT. I am not concerned with that so much as to the direction. Was the scope of the investigation laid out in this letter by the Senator from Missouri?

Mr. SYMINGTON. Yes.

Mr. ALLOTT. I thank the Senator.

Mr. SYMINGTON. We did the best we could in advance to tell the heads of the various agencies in question just what it was we wanted to find out. Does that answer the Senator's question?

Mr. ALLOTT. Yes. Was that in the letter? Was that asked before I came?

Mr. SYMINGTON. I do not believe that particular point came up, and am glad it is now in the Record. I will put in the Record all the letters in question written prior to their trip.

Mr. ALLOTT. I think it would make a complete record.

Mr. SYMINGTON. I think it a good idea.

Mr. ALLOTT. I thank the Senator.

Mr. SYMINGTON. I ask unanimous consent to include these letters in the record at this point.

(There being no objection, the letters were included.)

APRIL 15, 1971.

HON. WILLIAM P. ROGERS,  
Secretary of State,  
Washington, D.C.

DEAR MR. SECRETARY: At the request of the Subcommittee on United States Security Agreements and Commitments Abroad, James G. Lowenstein and Richard M. Moose, Consultants, Senate Foreign Relations Committee, will be traveling to Laos and possibly Cambodia, Vietnam and Taiwan between the period of April 18 to May 9. The purpose of their trip will be to provide the Subcommittee with information concerning United States military assistance programs, general political, economic and military subjects and United States relations with the countries concerned.

Prior to their departure, Mr. Lowenstein and Mr. Moose will want to receive executive

branch briefings. They have already provided your Department with details of the Subcommittee's interests, and I would appreciate the Department of State's assistance in arranging appropriate briefings by officials of the State and Defense Departments.

Sincerely,

STUART SYMINGTON,  
Chairman, Subcommittee on  
United States Security Agreements and  
Commitments Abroad.

APRIL 15, 1971.

HON. MELVIN R. LAIRD,  
Secretary of Defense,  
Washington, D.C.

DEAR MR. SECRETARY: At the request of the Subcommittee on United States Security Agreements and Commitments Abroad, James G. Lowenstein and Richard M. Moose, Consultants, Senate Foreign Relations Committee, will be traveling to Laos and possibly Cambodia, Vietnam and Taiwan between the period of April 18 to May 9. The purpose of their trip will be to provide the Subcommittee with information concerning United States military assistance programs, general political, economic and military subjects and United States relations with the countries concerned.

Prior to their departure, Mr. Lowenstein and Mr. Moose will want to receive executive branch briefings on the above subjects. I have asked the Department of State to arrange these briefings and would appreciate the cooperation and participation of the Department of Defense in these sessions.

Department of Defense support, including authorization to use military air transportation as required while they are overseas will be deeply appreciated. Pursuant to the provisions of Section 1314 of Public Law 207, 83rd Congress, the payment of such actual and necessary expenses as they may incur is authorized.

Sincerely,

STUART SYMINGTON,  
Chairman, Subcommittee on  
United States Security Agreements and  
Commitments Abroad.

APRIL 15, 1971.

Mr. RICHARD HELMS,  
Director, Central Intelligence Agency,  
Washington, D.C.

DEAR MR. HELMS: The Subcommittee on United States Security Agreements and Commitments Abroad has asked James G. Lowenstein and Richard M. Moose, Consultants, Senate Foreign Relations Committee, to visit Laos and possibly Cambodia, Vietnam and Taiwan and report back to the Subcommittee on the situation in those countries and on various aspects of United States activities there. I would appreciate your asking your Agency representatives in the countries noted above to help Mr. Lowenstein and Mr. Moose in their assignment. I would also appreciate it if you could arrange for them to be briefed in Washington before their departure on April 18.

Sincerely,

STUART SYMINGTON,  
Chairman, Subcommittee on  
U.S. Security  
Agreements and Commitments Abroad.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield.

Mr. FULBRIGHT. I do not know if the Senator wishes to be seated or not. I would like to put in a resume of facts that I thought were not clear in the beginning. If this resume is not correct, I hope that I will be corrected by the Senator.

I understand that in fiscal year 1971, although Congress thought that it had authorized \$117 million in new funds, the military assistance program actually be-

ing administered in Laos with military assistance funds from the Department of Defense will cost \$162 million. If that is not correct, I hope that someone will correct me.

We thought at the time of the appropriation that the cost would be \$117 million but the program has actually cost \$162 million.

The estimate of the CIA contribution to the overall effort—our staff was told—was [deleted] million and the AID program was \$52 million, making a total of \$284 million in fiscal year 1971. That is what is being spent aside from whatever the authorization for new funds provided or what we thought was being spent.

The request for new funds for military assistance in fiscal year 1972 is \$125 million for the Department of Defense. Yet they are planning a program which will cost \$252 million. Assuming the [deleted] million is still the same for the CIA, and the \$52 million is still the amount of economic assistance, there will be an increase from \$284 million to \$374 million in the next fiscal year. In other words, the present price for staying in Laos will be \$374 million just from those three sources.

I want to call attention to the fact that this does not include the cost of Thai troops, whatever that might be. It does not include the cost of maintaining 1,200 U.S. personnel who are there with the State Department, AID, and similar agencies. And it does not include the cost of air operations over northern or southern Laos. These are extra costs which I would guess, at a very minimum, would round that figure to \$400 million, not including the cost of air operations, which we will be spending in Laos in 1972 if present programs are put into effect.

If that information is not accurate, I hope that somebody on the staff or the Senator from Missouri will say so.

Mr. SYMINGTON. Those figures are accurate. One that is interesting is that our total annual expenditures in Laos may amount to a total of \$187 per capita, almost three times the per capita Gross National Product of that little country.

Mr. FULBRIGHT. To get some sense of perspective, when one considers what a relatively small country this is, a country which is about 20 percent literate, what we seek to achieve for an investment of that amount of money is beyond my comprehension. Its relation to our troop withdrawals from South Vietnam is beyond me.

Mr. SYMINGTON. I have been to Laos several times; and whether it is right or wrong for us to be there surely is a matter for discussion, as we are discussing this operation today. But nobody could argue that, in effect, the United States, has now destroyed large parts of this country, as it has parts of Cambodia and large parts of both North and South Vietnam.

Mr. GRAVEL. Mr. President, will the Senator yield for one additional question?

Mr. SYMINGTON. I yield to my friend from Alaska.

Mr. GRAVEL. First, let me thank the Senator from Missouri for the contribu-

tion he is making to the Senate with his presentation today.

I would like to know how we can bring this matter to the attention of the country. What can we do other than have a dialogue and receive information, which the Senator from Missouri has assiduously secured?

This information is known to thousands of Laotians and Thais. It is obviously known to the Chinese. Obviously it is known to the Soviet Union.

If I heard the Senator correctly, he said the information is classified Top Secret. How do I, as a colleague of the Senator from Missouri, get the information declassified, since the Laotians and the Soviets know about it, so that the American people will know about it?

Mr. SYMINGTON. A good question. This is one of the problems which often comes up with respect to our military activities in various other parts of the world, as we pursue what might be called our "Pax-Americana" concept of the world which has developed since World War II. Other countries know about our activities. Their people know about these things, but for some sad reason the only people who really do not know about them are the people of the United States.

This record will be sanitized and as much as possible of it released to the people; in fact, there will be a major effort on our part to make available as much as possible; but inasmuch as much of said information was given to us as classified information, we cannot print it without first receiving agreement from the executive branch as to what can be released to the public. That was the premise incident to our staff members being told much of this information on their recent visit to Southeast Asia.

We will do our best to see that as much as possible of what is in this record is declassified. Then the Senator can use it for himself and with his constituents, so they can form their conclusions based on as much of the facts as possible.

We are making this record today with a reporter. This record will be examined and as much as the executive branch permits will be made public. In case of disagreement, we hope to be able to convince the executive to release—having been somewhat successful in the past in obtaining declassification of certain information the executive originally classified because we did not believe its publication would in any way affect national security—as much of this information as possible.

Mr. GRAVEL. That would include the report tendered by the Senator's staff?

Mr. SYMINGTON. Yes and I ask unanimous consent to have the staff report printed in the record at the conclusion of debate in this closed session.

PRESIDING OFFICER. Without objection, so ordered.

Mr. GRAVEL. So that I can expect, as an American taxpayer and a citizen, to have it made public as soon as possible?

Mr. SYMINGTON. As much as possible, as soon as possible, will be made a matter of public record.

Mr. GRAVEL. The fact that we are financing people in that part of the world will become public, will it not?

Mr. SYMINGTON. I hope so. Much of that data has already been published.

Mr. GRAVEL. I take that to be an agreement that it will be made public.

Mr. SYMINGTON. It has already been published in the press that we are financing some 4,800 Thai troops in Laos. That is no secret. Some of the details are still secret. Every Senator has to decide for himself whether he will obey the restrictions laid down by those who originally classify the material.

Mr. GRAVEL. How long will it take to sanitize the record?

Mr. SYMINGTON. That is another good question. It will not take too long on our part.

Mr. GRAVEL. I do not understand, and I apologize for taking this body's time with this, but if the Senator from Missouri established the Top Secret classification and he can declassify it rapidly, who else makes the determination on declassification?

Mr. MANSFIELD. Mr. President, if the Senator will yield, it will be up to the chairman of the committee, the State Department, and the chairman of the subcommittee.

Mr. GRAVEL. If, at some later point, a Senator has disagreement over classification of this information, what recourse would he or another Senator have?

Mr. SYMINGTON. To the best of my knowledge, no one has ever released information declared Top Secret by the executive branch.

Mr. GRAVEL. May I ask, if the Senator thinks there is anything in here that goes to the national defense of our country?

Mr. SYMINGTON. Yes, I do.

Mr. GRAVEL. That satisfies me.

Mr. FULBRIGHT. Mr. President, I just want to clarify that the figure of \$374 million excludes Thai troops, U.S. personnel costs and the costs of air operations in Laos, north and south. A member of the staff has said the publicly announced cost figure for ordnance for a sortie in 1969 was \$3,190. That is the estimated ordnance cost of each sortie. These are obviously estimates. They cannot figure to a dollar what it costs to fly a plane and drop a bomb. I do not believe these estimates apply to B-52 strikes. They are much more expensive.

So, working those figures out, there were approximately 10,000 sorties each month in 1971. In 1970 there were 14,000 sorties per month on an average. By a process of multiplication, \$3,190 multiplied by 14,000 a month for 12 months amounts to a total of \$59 million. In 1971 air operations have been running at the rate of 10,000 sorties a month, and that works out to \$382 million.

If that is a rough estimate of what the air war costs, and we add that to the nearly \$400 million in other costs, we get some sense of perspective of what we are investing in the war in Laos. It is no small item.

When we add that to other items, we can see why we have a deficit estimated at \$25 billion, a problem of our balance of payments, and so forth. It is no secret that the country is rapidly moving toward bankruptcy. We can understand

why when we see what we are spending in Laos alone.

Mr. SYMINGTON. Mr. President, the Senator is clearly correct when he points out what all these adventures are doing to the health of our economy. If we do not stop this growth, this self-appointed task since World War II of trying to defend all the free world and finance—babysit—the free world, we are certain to bankrupt this Government.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, first I want to commend the Senator from Missouri. He has rendered a real service in making known to the membership of this body facts pertaining to a country in which, in a sense, two wars are being waged, and for doing so in a nonpartisan and nonpolitical manner, thereby enhancing the education of all of us so that we may be cognizant of what is occurring in that remote land which is occupied by a very simple people, a very happy people—or they were a very happy people before geography placed them in a most difficult position.

Mr. President, I move that the Senate return to open legislative session and that the gallery doors be opened.

Mr. FULBRIGHT. Mr. President, if the Senator will withhold his motion, I want to join the majority leader in commending the Senator from Missouri. I know how hard he has worked on this matter. In working with the staff, he has spent a great deal of time on it. I agree that it is a great contribution to the work of the Senate. I only hope the Senate will take it seriously and seek to use it for the welfare of our country as a whole.

Mr. SYMINGTON. Mr. President, may I thank the able majority leader and my chairman, the chairman of the Foreign Relations Committee, for their underserved but very kind remarks. It has been and is a privilege to work with and for both of them on these matters which have so much to do with the future security, prosperity and happiness of this Nation.

The report referred to previously is as follows:

#### LAOS: APRIL 1971

(A staff report prepared for the use of the Subcommittee on U.S. Security Agreements and Commitments Abroad of the Committee on Foreign Relations, U.S. Senate)

#### COMMITTEE ON FOREIGN RELATIONS

J. W. Fulbright, Arkansas, *Chairman*; John Sparkman, Alabama; Mike Mansfield, Montana; Frank Church, Idaho; Stuart Symington, Missouri; Claiborne Pell, Rhode Island; Gale W. McGee, Wyoming; Edmund S. Muskie, Maine; William B. Spong, Jr., Virginia; George D. Aiken, Vermont; Karl E. Mundt, South Dakota; Clifford P. Case, New Jersey; John Sherman Cooper, Kentucky; Jacob K. Javits, New York; Hugh Scott, Pennsylvania; James B. Pearson, Kansas; Carl Marcy, *Chief of Staff*; and Arthur M. Kuhl, *Chief Clerk*.

#### SUBCOMMITTEE ON U.S. SECURITY AGREEMENTS AND COMMITMENTS ABROAD

Stuart Symington, Missouri, *Chairman*; J. W. Fulbright, Arkansas; John Sparkman, Alabama; Mike Mansfield, Montana; George D. Aiken, Vermont; Clifford P. Case, New Jersey; John Sherman Cooper, Kentucky; Jacob K. Javits, New York; Pat Holt, *Staff Assistant*; James G. Lowenstein, *Staff Assistant*; and Richard M. Moose, *Staff Assistant*.

#### PREFACE

At a meeting in executive session on May 21, the Subcommittee on U.S. Security Agreements and Commitments Abroad received a report, classified "top secret," from James G. Lowenstein and Richard M. Moose of the subcommittee staff on a trip which they had made to Laos on behalf of the subcommittee. The information contained in their report added considerably to the subcommittee's understanding of the nature and extent of the activities of the United States in Laos. I felt that the importance of this information was such that it should be brought to the attention of the Senate and accordingly a closed session was held for this purpose on June 7 at my request and with the concurrence of the chairman of the Foreign Relations Committee.

The staff of the subcommittee has now reviewed the report with representatives of the Departments of State and Defense and the Central Intelligence Agency. After considerable discussion of the basis and need for continued security classification of much of the information in the report—a process which lasted 5 weeks—the representatives of the executive branch agreed to publication of the report as now issued. Nevertheless, considerable information has been deleted at their insistence.

While I do not agree that the publication of some of the material which has been deleted from the report which follows would adversely affect our national security, the information which does appear will give the American public a far better picture of U.S. involvement in Laos than can be found in any previous public government report.

STUART SYMINGTON,  
*Chairman, Subcommittee on United States Security Agreements and Commitments Abroad, Committee on Foreign Relations.*

#### 1. Introduction

During our visit to Laos from April 22 to May 4, 1971, we met with Ambassador Godley and the senior and junior civilian officials and military officers in the U.S. Mission. In addition, one or both of us met with Prime Minister Souvanna Phouma; the Foreign and Defense Delegates and the Transport Minister; the Commander of Military Region V and the Governor of Xiang Khouang Province; the Pathet Lao representative in Vientiane; reporters, teachers, and others in private life; and a number of other Ambassadors. We spent a weekend in Savannakhet with the Ambassador and Chief of the AID Mission who were there to open an airfield during which time we visited the Air Operations Center, the [deleted], the irregular force base camp and the irregular training camp known as "Whiskey Three"; a day at the Long Tieng base, the headquarters of General Vang Pao, with whom we lunched, and at Site 32, a village composed mostly of resettled Meo refugees which is north of the Plain of Jars and is the only enclave in that area not under Pathet Lao control; and a day in Thailand at Udorn, visiting the 7/13th Air Force and the 1802 Joint Liaison Detachment [deleted], and at Nakhon Phanom Air Base visiting [deleted] which is the activity that runs the so-called electronic battlefield in southern Laos.

#### II. Summary and general observations

A. Most observers in Laos say that from the military point of view the situation there is growing steadily worse and the initiative seems clearly to be in the hands of the enemy. There are apparently no plans for retaking and holding any of the two-thirds of the country no longer under government control but only a hope, not too firmly held in some quarters, that the one-third of Lao territory now under government control can continue to be held. Since Lam Son 719, more

Laos territory has come under enemy control, and there are about three regiments more of North Vietnamese forces in southern Laos than there were before the Lam Son operation. U.S. air operations continue in both northern Laos and in the south against the Ho Chi Minh Trail. In both cases the number of sorties this year is down in comparison with last year, the reduction being proportionally greater in the north. The principal reasons for this reduction are, first of all, the fact that fewer aircraft are now available because some squadrons are being redeployed from Southeast Asia, and, second, the additional demands imposed on remaining aircraft by the situation in Cambodia. Since February 1970 we have been using B-52s in northern Laos on a regular basis, a fact the Committee had not been told and that was not made public until the open Committee hearing at which the Under Secretary of State testified on May 3. We are, however, now flying about [deleted] times as many B-52 sorties in southern Laos as in the northern part of the country. The Royal Lao Air Force has doubled its sortie rate in the past year, but the attrition rate of their limited number of T-28 aircraft is high. We are filling the gap. The "truck kill" rate of North Vietnamese trucks is also high, having reportedly reached the astronomical total of over 100 a day in April of this year, but even some U.S. military authorities in Southeast Asia discount these figures, most by about 30 percent. And despite everything that is being done in the air by the United States, and on the ground by the South Vietnamese, Lao and Cambodians, supplies continue to move through Laos into Cambodia and South Vietnam. The Air Force claims that only about one-third the quantity of supplies is getting through this year compared to last year, but others point out that the fact remains that the North Vietnamese are moving sufficient supplies through Laos to sustain their military operations.

B. The war in Laos is run in most respects by the Embassy in Vientiane. In fact, this undertaking seems to consume a considerable portion of the time of the senior officers in the Mission. The "Operations Meeting" at the Embassy—which lasts from 9 a.m. to approximately 10:30 daily, including Saturday, and at which the Ambassador presides—is devoted in large part to detailed briefings by the Army and Air Attachés and the CIA Station Chief which cover practically every military engagement of the preceding 24 hours. Air operations are followed very closely, even down to the types of ordnance employed, as are the details of the deployment and support of Royal Lao Army and irregular forces.

C. The United States continues to train, arm, and feed the Lao Army and Air Force and to train, advise, pay, support, and, to a great extent, organize the irregular military forces under the direction of the CIA. The combat element of these irregular forces is about as large as the combat element of the Royal Lao Army. These irregular forces include not only the forces under General Vang Pao's command in Military Region II, but forces in every other military region of Laos except the area immediately around Vientiane. The cost of these irregular forces has been increasing every year, in part because as more territory has fallen under Pathet Lao control it has become necessary to rely increasingly on air transport and in part because of the rising cost of ammunition. These irregular forces have become the cutting edge of the military, leaving the Royal Lao Army as a force primarily devoted to static defense.

D. [Delete.] In the past few months the Chinese have increased their air defense capabilities along the road they are building in northern Laos. The road now reaches to Ou River, marking the division of responsibility between the Chinese and the North

Vietnamese on the east, and is only some 45 miles from Pak Beng on the Mekong in the west. The number of Chinese forces along the road has increased from 6,000 two years ago to between 14,000 and 20,000. The concentration of anti-aircraft and associated radar installations along the road which has been greatly increased in recent months, makes this area one of the most heavily defended in the world. The area around the road, and north of it, is off-limits to U.S. aircraft, and supposedly to Lao aircraft as well, although it was bombed in January 1970 by two Lao Air Force planes. Whether related or not, the buildup of anti-aircraft facilities followed this attack.

E. The number of Thai in Laos, at the time of our visit, was about [deleted]. Since then, [deleted]. We were told that these "irregular" volunteers, as they are characterized by Thai and American officials, are recruited for service in Laos from outside the regular Thai Army. They are said to receive lower pay and allowances than regular Thai Army personnel [deleted]. The costs involved are channeled through CIA, although U.S. officials told us that they thought some of the funds come from the Defense Department budget. As far as the future is concerned, [deleted].

F. The Royal Lao Government continues to be almost totally dependent on the United States, perhaps more dependent on us than any other government in the world, and this dependence appears to be increasing as the war continues and the military situation worsens. The cost of U.S. military assistance to Laos has risen rapidly in the past few months with the fiscal year 1972 program doubling since January, mostly as the result of the rise in the cost of ammunition and ordnance being supplied to both the Royal Lao Army and Air Force and the irregular forces and the higher rate at which this ammunition and ordnance is being used. The United States provides not only for all of Laos' defense needs but for day-to-day needs as well. And on the political front, we gathered from our conversations with various Lao that it has been made plain to all opponents of the present Prime Minister—primarily the southern politicians and generals—that we wish to see him continue in office and that any change in government might jeopardize continued U.S. support.

G. The Lao Government's budget for the current year is 18.3 billion kip or, converted to dollars at the official rate of 500 kip to the dollar, \$36.6 million. By contrast the partial total of estimated U.S. expenditures in Laos in fiscal year 1971 is \$284.2 million, composed of an estimated \$162.2 million in military assistance, \$52 million in the AID program and \$[deleted] millions spent by CIA exclusive of the Thai irregular costs. This partial total of estimated U.S. expenditures amounts to \$141 per capita for the approximately 2 million Lao under government control compared with a per capita GNP estimated at \$66. Not included in the above U.S. expenditure total are items such as the cost of U.S. air operations in northern or southern Laos or the cost of Thai irregulars in Laos. The planned increase in fiscal year 1972 military assistance coupled with AID and CIA expenditures at this year's level would bring the total of these three programs up to \$374 million. So far as we can determine, the only overall figure ever released by the executive branch for any category of current aid to Laos is the \$52 million estimate for the AID program in fiscal year 1971, although during the Symington subcommittee hearings in 1969 the fiscal year 1971 military assistance program was estimated at \$90 million. In point of fact, we were told that the actual final total for that year was \$146.4 million, as noted in the section below on the military assistance program.

H. U.S. activities in Laos show the interlocking relationship between all U.S. agencies

in Laos and all U.S. activities and commands in Southeast Asia. Thus, [deleted]. The sortie rate of U.S. tactical aircraft is kept at Udorn, but this information does not include the rates for B-52s or Navy aircraft. These figures are kept by 7th Air Force in Saigon. Within Laos, the CIA trains and advises irregular forces, but until last week AID had provided these forces with rice in Military Regions I and II, while the military assistance program, operated ostensibly under AID in Laos, provides food and equipment to the regular Lao Army. The U.S. Air Force flies the planes that bomb the Ho Chi Minh Trail, but much of their targeting information comes from CIA and the final approval for their missions, at least in some cases, comes from the Embassy.

I. Finally, there is an evident determination among U.S. officials in Laos to continue to prosecute the war with only gradually reduced secrecy. It is argued, with regard to air operations, that many of these places are based in Thailand and are there pursuant to agreements with the Thai Government which stipulate that [deleted]. As far as operations of the irregular forces are concerned, some say that CIA is not used to prosecuting a war in public and does not see what purpose would be served by doing so. Underlying many of these arguments for maintaining secrecy is the feeling that much of what the United States is doing does violate the Geneva Agreements of 1962, and ancillary "understandings" thereto and that while our violations are justified by antecedent North Vietnamese violations, putting our violations on the public record, while North Vietnam continues to deny that it is violating the agreements, would make it far more difficult, if not impossible, to reactivate the provisions of the 1962 agreements.

### III. The military situation

#### A. General Description

Since last July, the enemy has extended his control to the western edge of the Plain of Jars, past Muong Soui and Sam Thong, while pushing further west in southern Laos, taking Muong Phalane shortly after Lam Son 719 ended. To the west of the area in which South Vietnamese forces were active during Lam Son 719, a whole new network of trails has been constructed, although the enemy continues to use the routes in the area in which the Lam Son operation took place. Enemy forces have put increasing pressure on the important towns of Seno and Pakse, both of which are now only a few kilometers from the area under enemy control. Virtually the entire Bolovens Plateau areas is now held by the North Vietnamese, the few remaining Lao outposts on its western edge having been captured in the last few days. In sum, over 60 percent of Laos is no longer under Lao Government control.

The generally accepted figure for the entire population for Laos has been 2.8 million, although some dispute this figure and claim that it is closer to 2 million. On the basis of the 2.8 million figure, the Embassy claims 2.1 million under government control, although a publication issued by the AID Mission sets the figure at 1.7 million.

In the weeks immediately preceding our visit to Vientiane, Luang Prabang had been under virtual siege. The airfield had been rocketed and the enemy surrounded it on all sides. During the time that we were there, the enemy pulled back, indicating an intention not to take the royal capital. During the same period, however, they rocketed the principal base at Long Tieng daily with rocket attacks averaging 30 a week.

Trying to estimate enemy intentions is a constant concern of American officials in Vientiane as it is in Saigon, Phnom Penh, and Bangkok. The prevailing assumptions at the time of our visit were that the North Vietnamese and Pathet Lao would continue the war in the north despite American and Lao bombing; that they could continue to

move supplies through Laos into Cambodia and South Vietnam although at a reduced rate, again regardless of the bombing, and in fact could do in Laos pretty well whatever they wished during both wet and dry seasons provided they were willing to take heavy casualties in some cases; that they probably would not try to take Luang Prabang because it is the site of the Royal Palace and home of the King and such an attack would therefore have a deleterious effect on public opinion in Laos; that the Royal Lao Government forces will [deleted]. In this connection, both American and Lao officials told us that they would consider the loss of Long Tieng to be a disastrous psychological blow and hence had determined that it should be defended. Understandably, General Vang Pao was particularly adamant on this point for Long Tieng represents virtually the last foothold of the Meo people in northern Laos.

Recent new developments affecting the military situation, all reported in the press since our visit, have been the deployment, for the first time, of North Vietnamese surface-to-air missiles in southern Laos, the development of a road system into the Plain of Jars which will enable the North Vietnamese to operate throughout the rainy season, and the occasional sighting of North Vietnamese MIGs over Lao territory, a potential new hazard for the Lao T-28s and the U.S. pilots flying Forward Air Control missions in small observation planes.

#### B. Friendly Forces

Friendly forces in Laos consist of [deleted] in the Royal Lao Army [deleted] in the neutralist army, [deleted] in the Royal Lao Air Force, and some 30,000 Lao and [deleted] Thai irregulars (which are described in section VI below). Friendly forces thus total between 95,150 and 97,500 compared to enemy forces of about 115,000 to 139,000.

Of the [deleted] in the Royal Lao Army, somewhere between [deleted] and [deleted] are infantry, depending on whether the Army Attaché estimates of those present for duty is taken or the Lao Army figure is used as a basis for calculation.

It has apparently become increasingly difficult in the past year or so to maintain an adequate level of manpower in the Royal Lao Army. There are very few enlistments and no national conscription system. From time to time manpower requirements are set by Royal decree for each military region, and quotas are then levied on provinces and villages. What follows is said by some to resemble a press gang operation in which only those without political connections end up in the Army. We were told that 30 percent of all new recruits desert.

The length of service in the Royal Lao Army is 2 years and the basic pay for a private is equivalent to \$5 per month plus allowances for dependents. Soldiers apparently seldom receive all of the money or food to which they are entitled and the rolls of some units are said to be padded with personnel who never existed or who have been killed, are missing, or have deserted. We were told about one unit in the neutralist army, for example, which was supposed to have 300 men but when mustered could produce only 25. Another American told us that such an accomplishment would be the envy of many other battalion commanders.

#### C. North Vietnamese and Pathet Lao Forces

The estimate of enemy forces in Laos as of April 20 was between 114,000 and 139,000. The 139,000 estimate is composed of 100,000 North Vietnamese and 39,000 Pathet Lao. The estimate in March of 1968 was 91,690 composed of 40,045 North Vietnamese troops and 51,645 Pathet Lao.

It thus seems clear that the North Vietnamese have been able to increase the level of their forces in Laos despite the heavy casualties they have taken. In fact, at the time of our visit there were three more regi-



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ments of North Vietnamese forces—about 15,000 men—in southern Laos than there before Lam Son 719 began, although some of the enemy forces who fought in Laos during that operation had returned to North Vietnam.

[Deleted.]

Of the North Vietnamese in Laos, some [deleted] are in infantry battalions; [deleted] in transportation, engineering, and communications units; [deleted] in anti-aircraft and artillery units; [deleted] in Pathet Lao infantry battalions or as advisors to such battalions; and [deleted] in armored units. [Deleted.] In all, about 80 percent of the North Vietnamese are in southern Laos in Military Regions III and IV.

As for the Pathet Lao troops, [deleted] are infantry battalions with some [deleted] of these in Military Region I; [deleted] each in Military Regions II and IV; [deleted] in Military Region III (where North Vietnamese strength is particularly high); and [deleted] in Military Region V. About 60 percent of all Pathet Lao forces—combat and support—are in northern Laos.

The ratio of enemy killed to friendly killed in action is far lower than the ratio released for Vietnam. In the period from 1968 through the first 4 months of 1971, the irregular forces lost 8,020 killed in action (of which 6,873 were lost in Military Regions I and II), while killing an estimated 22,726 of the enemy. During this same period the Royal Lao Army lost 3,664 killed in action, while killing 8,522 of the enemy. The enemy kill ratio is thus far higher for the irregular forces. At the same time, however, the brunt of irregular losses has fallen heavily upon tribal groups such as the Meo, which is one of the reasons why Thai irregulars have been brought into Military Region II.

The North Vietnamese units are definitely carrying the brunt of the fighting and taking most of the casualties, and most Pathet Lao units have North Vietnamese cadre. It seems to some observers that the North Vietnamese are deliberately sparing the Pathet Lao for the future when they will vie for political control in Laos with non-Communist Lao forces whose numbers will have been greatly reduced by war losses inflicted by the far more numerous North Vietnamese. During our stay in Vientiane, a number of Pathet Lao, possibly as many as 200, were reported to have "rallied" to the Government side. Authorities in Vientiane were endeavoring to exploit these defections which they believe, on grounds which were not altogether clear to some observers, to be indicative of a "trend."

#### D. Chinese Forces

The number of Chinese forces along the road they are building in northern Laos has increased from between 6,000 and 8,000, the figure given the subcommittee 2 years ago, to somewhere between 14,000 and 20,000.

The Chinese have also moved in a heavy new increment of radar-directed anti-aircraft weapons, increasing the number by 100 in the last 6 to 7 months to the present total of 395, including for the first time guns of 85mm and 100mm, the latter said to be effective up to 68,000 feet. Since early 1970, they have also [deleted]. Of the Chinese troops along the road, those who hold to the lower figure of 14,000 say that between 3,000 and 3,500 are members of anti-aircraft crews and the rest construction workers, while those who give the higher estimate say that anti-aircraft crews total 6,000 to 7,000.

As a result of recent work done on the road, it will be a motorable all-weather surface dual-lane highway by August all the way from the Chinese border to Muong Huon, although there has been no extension of the road past Muong Huon since February 1970. In addition to upgrading earlier road construction, the Chinese have, since November 1970, constructed eight small arms firing

ranges of a kind normally associated with garrisons of ground troops as well as large headquarters buildings and 66 basketball courts. There are 154 camps along the road. The western branch of the road still ends 45 miles from Pak Beng on the Mekong River, some 20 miles from Thailand. On the eastern leg of the road, only a bridge or ferry across the River Ou needs to be built to connect with the road which has been reconstructed from Dienbienphu into Laos.

We were told, on originally inquiring, that there had been no provocation which would account for the sudden buildup in anti-aircraft defenses along the road. After further inquiry, however, we learned that the Lao Air Force had bombed the road at least twice. In the most recent and important such incident, two Lao T-28s from Luang Prabang flew over the road in January 1970 and claimed to have been fired upon by the Chinese. In their debriefing the pilots stated they had then destroyed 10 trucks. This claim could not be confirmed from later photographs, although the photograph did show craters on the road. [Deleted.]

#### IV. Air operations

U.S. air operations in Laos have declined in the course of the past year and are now below the level of the first 9 months of 1969. At that time, the United States was flying about [deleted] sorties a day in northern Laos and [deleted] a day in southern Laos, a total of 400 sorties a day. One year ago, the average daily rate was about 350 sorties—[deleted] in northern Laos and [deleted] in southern Laos. In April of this year, the rate averaged about 340 sorties a day—[deleted] sorties a day in northern Laos and [deleted] a day in southern Laos, although during the last week in April, while we were in Laos, the sortie rate averaged 282 a day—[deleted] in the north and [deleted] in the south.

On February 18, 1970, the United States began B-52 missions against northern Laos. The White House confirmed in March 1970 that one B-52 mission had taken place in northern Laos, but there had been no subsequent disclosure that B-52's were bombing northern Laos on a regular basis. In fact, the Committee had not been informed, even on a classified basis, that B-52 raids had been extended to northern Laos, although several times executive branch witnesses were prepared so to testify in executive session if asked. Our telegram from Vientiane reporting on B-52 operations in northern Laos was relayed to the Committee by the Department on April 29, 1971. When Under Secretary Irwin was asked about B-52s at the public hearing on May 3, he acknowledged the fact of B-52 operations in northern Laos but said that he could not supply sortie figures as these were not available in the State Department. It is interesting to note, in this connection, that documents dealing with B-52 operations in northern Laos are classified "Top Secret" while B-52 operations in the south are considered "Secret."

The figures we were given by the Embassy in Vientiane indicated that the B-52 sortie rate in northern Laos is higher in 1971 than it was in 1970. We were told in Vientiane that in the first 4 months of 1971 there were [deleted] B-52 sorties in northern Laos and that in all of 1970 there had been [deleted] B-52 sorties in northern Laos.\* B-52 sorties in northern Laos constitute a small percentage

\* Subsequently, in response to a question in an open Committee hearing on May 3, the Under Secretary of State said that he did not know how many B-52 sorties had been flown in northern Laos in 1970 and 1971 but would provide the figures. Under cover of a top secret letter dated June 10, 1971, from Assistant Secretary of State Alsire, the figures given were [deleted] sorties in 1970 and [deleted] as of May 1971—indicating a lower sortie rate in 1971 than in 1970.

of total B-52 strikes in Laos, both north and south. For all of Laos B-52 strikes are now average [deleted] to [deleted] a day.

The reported figures for the number of North Vietnamese and Pathet Lao trucks damaged or destroyed are growing at a geometric rate. We were told that, during the first 29 days of April, 69 trucks had been destroyed and over 4,133 damaged in northern Laos and over 4,830 destroyed and 1,155 damaged in southern Laos. For previous years, the figures given us for trucks destroyed or damaged were 3,291 in 1967; 7,332 in 1968; 9,012 in 1969; and 12,368 in 1970. These figures are not taken seriously by most U.S. officials, even Air Force officers, who generally apply something on the order of a 30 percent discount factor. One reason why there is some skepticism about the truck kills claimed by the Air Force is that the total figure for the last year greatly exceeds the number of trucks believed by the Embassy to be in all of North Vietnam.

Truck kill and damage figures are arrived at through a set of criteria developed by the Air Force. It is assumed, for example, that if a truck is hit by a 40mm shell it is destroyed and that if the shell hits within 10 feet of the truck it is damaged. One Air Force officer told us that if the truck kill figures proved, on further analysis, to be unrealistic, the criteria would then be changed. Another commented that he assumed that the North Vietnamese were intelligent enough to set off decoy explosions when trucks were being attacked so that they would be counted as destroyed or damaged even if not hit.

"Through put" figures, which refer to the estimated number of tons transported into South Vietnam or Cambodia by either trucks or water-borne means, are kept at 7/13th Air Force. They vary widely with the season and cannot take account of such unknown factors as stockpiling. In January and February 1970, we were told, between 1,500 and 2,500 tons were estimated to be "in put" and between 1,150 and 1,250 tons as "through put" a week. In January and February 1971, "in put" averaged between 2,000 and 3,300 tons a week while "through put" averaged between 135 and 200 tons a week. The figures for the week of April 14-20 showed an "in put" of 1,932 tons and a "through put" of 824 tons, a record figure for 1971. We were told that the Lam Son operation had not slowed the trend and that the seasonal trend this year follows the same general pattern as last year, although at a considerably lower level. Last year 33 percent of the "in put" was getting through. This year only 10 percent is getting through. And in the course of the first 4 months of this year, 4,000 to 5,000 tons have gotten through, which is exactly half the amount that it is estimated got through in the first 4 months of last year. These figures are regarded with considerable skepticism by some U.S. officials who point out that as a matter of fact, the North Vietnamese continue to be able to get the supplies through to Cambodia and South Vietnam that they require for the military operations they are conducting.

The Royal Lao Air Force has more than doubled the number of sorties flown in the past year. One year ago they were flying [deleted] sorties a month. Now the rate is [deleted]. Of this total, about [deleted] are T-28 bombing sorties and [deleted] are AC-47 gunship sorties. The Royal Lao Air Force has [deleted] AC-47 and about [deleted] T-28s. Somewhere between [deleted] and [deleted] of the T-28s were in commission every day during our visit and available for bombing missions. [Deleted] T-28s were reserved for training and were kept at Udorn, as were those being repaired. The Lao Air Force has been promised [deleted] additional T-28s through the military assistance program by the end of this December. Ten of

these are, however, borrowed from the Thai Air Force program and will have to be returned or replaced.

We noticed that none of the Lao Air Force T-28s we saw in Vientiane, Savannakhet, Long Tieng, and Udorn were marked except for serial numbers on the tail, a fact that seemed to come as a surprise to some American officials when it was mentioned. It seems clear that this procedure would allow them to be interchanged with other T-28s.

The sortie rate of the 7/13th Air Force seems to provide a rough index to the intensity of the air war in Laos. In January 1970, monthly sorties in Laos reached a high point of 14,000, of which about [deleted] were in northern Laos and [deleted] in southern Laos. The sortie rate then began to decline, the rate of sorties in northern Laos more rapidly than the rate in southern Laos, and total sorties in April of this year were 8,299. The projection for the next fiscal year is that the total will further decrease to an authorized maximum of [deleted] a month.

U.S. sorties in Laos are controlled by a complicated set of "Rules of Engagement and Operational Authorities." These rules seem to make it impossible for villages or other nonmilitary targets to be bombed. In brief, target information is developed either by Royal Lao Army units, CIA irregular units, electronic means, aerial visual reconnaissance, or photo intelligence. 7/13th or 7th Air Force then selects targets and these requests are passed to the mission in Vientiane. Planned strikes are first reviewed by the Air Attaché, or—for targets in southern Laos outside the Trail area—by the Air Operations Center at Savannakhet, and then passed to a junior Foreign Service officer in the Embassy (known locally as the "Bombing Officer") for "validation" or approval. He checks proposals against the rules of engagement and the latest aerial maps which show nonmilitary "structures" in order to make certain, for example, that the proposed strikes are targeted more than 500 meters from "active villages" (defined as one building, hut, or structure not validated by the Embassy for a strike) and at least 500 meters from friendly intelligence teams. If there is any doubt in the Bombing Officer's mind, he passes the request on to the Deputy Chief of Mission or Ambassador for final decision. In 1970, 86 percent of all requests for tactical air strikes, 76 percent of the requests for B-52 strikes in northern Laos, and 70 percent of the requests for strikes in special operating areas, which are explained below, were approved. When U.S. tactical aircraft arrive over targets, they are controlled by U.S. Forward Air Controllers accompanied by Lao spotters.

B-52 strikes are directed against two categories of special operating areas: SOLOAS, which are specially validated areas, and PARVELAS which are partially validated areas. These special operating areas are, in effect, free fire zones. They are areas in which it has been determined by the Embassy that there is no civilian population or civilian structure of any sort. SOLOAS are considered to be validated without further clearance except when napalm is used. PARVELAS require 72-hour advance notice to the Embassy. At the time of our visit there were 11 SOLOAS and four PARVELAS.

There is one other kind of prevalidated strike area known as a SOA (special operating area) in which tactical air strikes can be made against any military target without specific validation. In these areas the Embassy has predetermined that there are no "active villages." Napalm may be used within the SOA for several kinds of targets, and any type of ordnance approved for use in Laos may be jettisoned within the SOA. At present one group of SOAs covers most of the Plain

of Jars plus Route 7 leading from North Vietnam to the Plain.

The rules of engagement for U.S. air operations vary from one area of Laos to another. In eastern Laos pilots have maximum flexibility whereas in the far north, adjacent to China, there are no U.S. combat air operations. In fact, no U.S. aircraft are permitted to enter this area without Embassy Vientiane, CINCPAC, and JCS approval. [Deleted.]

American pilots who fly Forward Air Control missions do so out of five Air Operations Centers. These are located in Vientiane, Pakse, Savannakhet, Luang Prabang, and Long Tieng. In theory each American Forward Air Controller has a Lao pilot in the back seat who is there because he knows the ground situation and can communicate with ground Forward Air Guides. There are 53 Royal Lao Army Forward Air Guides and 129 from the irregular units spread throughout all military regions.

Given the apparent stringency of these rules of engagement, it is difficult to see how roads with civilian traffic, villages and groups of civilians could have been bombed, rocketed, or napalmed. It seems clear, however, although the rules are stricter now than they were some years ago, that mistakes do happen (especially when Forward Air Controllers begin flying missions as soon as they arrive at Laos); that some pilots have deliberately violated the rules of engagement, expending ordnance against unauthorized targets (the town of Khang Khay being a notable example); and that the system itself is so complicated that it cannot possibly be foolproof. Indeed, the effort to provide in the rules of engagement for every contingency appears to create obvious loopholes. One is the rule which allows ground fire to be returned virtually anywhere in Laos when a U.S. plane is participating in a search and rescue operation or is flying in support of infiltrating or exfiltrating troops.

There are plenty of instances known to American civilian employees who have been in Laos for some years in which civilian targets have been bombed. There is a certain reluctance, especially on the part of the Air Force, to admit that mistakes have happened which tends to undermine the credibility of official claims made about the infallibility of the conduct of the air war in Laos. The Embassy itself is quite insistent that the rules are scrupulously observed. Yet it apparently has no system for regular photographic review of the results of individual strikes, although it can and does ask for special photography if there is reason to believe a violation has occurred. We made several attempts to obtain photographs of specific towns which we had been told had been bombed. The Embassy was unable to produce such photographs and neither was 7/13th Air Force. The Lao Ministry of Information was reported to have photographs of bomb damage on the Plain of Jars. In response to its efforts to obtain copies of these for us, the Embassy was given only photographs of sightseeing dignitaries and fuzzy distant views of Xieng Khouangville.

The Royal Lao Air Force is not bound by the same rules of engagement and is theoretically free to do what it wishes, although we were told that U.S. officials have sought to do their best to influence the Lao to adhere to the same general principles. Nevertheless, Lao T-28 bombers have attacked towns, Saravane being a well-known case in point, the Chinese road and other targets that are clearly off-limits to U.S. aircraft. As noted above, Lao T-28s are not marked so some of these attacks may well be blamed on the United States U.S. Forward Air Controllers have been able to assume control over virtually all of the Lao Air Force sorties in Military Regions III, IV and V, but not in Military Regions I and II. Furthermore, Lao Air Force pilots are given special combat al-

lowances which are different in each military region, and at least in some military regions they are paid a bonus for each sortie so that there is an incentive not to adhere too strictly to rules of engagement. Lao AC-47 gunships are not controlled by Forward Air Controllers but control their own missions, although most of these missions occur in situations where friendly troops are in contact with enemy forces.

Aircraft loss figures are difficult to obtain in Vientiane, but we were told that between January 1970 and April 1971 there have been 25 U.S. aircraft and 13 crew members lost in northern Laos and 56 aircraft and 53 crew members lost in southern Laos. These totals do not include U.S. Forward Air Controllers (five FACs and one Air Operations Center commander were lost in 1970 and three FACs in the first 4 months of 1971), the B-52s (although none has been lost in combat in Indochina) or Navy carrier aircraft.

In addition to military aircraft operations, there is a large U.S. civilian fleet operating in Laos run by Air America, Continental Air, and Lao Air Transport. These three carriers operate under contracts with AID, although funds are provided by AID, the Defense Department, CIA, and the State Department. The funding arrangements are worked out in Washington.

We were told that the civilian air fleet consists of 20 helicopters, 12 C-123s, 7 C-7As, 5 helios, 10 Porters, 7 C-46s, and 1 Volpar. The C-123s and C-7As are "balled" aircraft; that is, they are rented from the Air Force. Like the Lao T-28s, they are unmarked.

In fiscal year 1970, the air transport contract costs involved were \$11 million for AID (of which \$0.5 million was for "balled" aircraft), \$[deleted] million for CIA, and \$11.7 million for the AID Requirements Office which administers the military assistance program. Air transport contracts thus totaled \$26.2 million. We were told that this total is up about 10 percent in fiscal year 1971.

Half of AID's fixed wing contract of \$3.5 million was for refugee relief. Some of the CIA contract goes to ferry Americans back and forth each day to Long Tieng, Sam Thong, and refugee sites, as the military situation is so precarious that Americans do not remain there overnight. There are, for example, 55 Americans at Long Tieng and Sam Thong who are shuttled back and forth from Vientiane every day.

#### V. The military assistance program

The most recent information the Committee has received from the Department of Defense on the Defense Department funded military assistance program in Laos is a document dated January 1971, and entitled "Estimated Amounts Included in Military Functions Appropriation Fiscal Year 1972 Budget for Support of Free World Forces in Vietnam, Laos, and Thailand and Related Costs in Fiscal Year 1970, Fiscal Year 1971, and Fiscal Year 1972." That document gives as total estimated figures for funding the military assistance program in Laos amounts of \$74.2 million in fiscal year 1970, \$117.3 million in fiscal year 1971, and \$125.8 million in fiscal year 1972. In Vientiane we were told that the fiscal year 1970 program ceiling was not \$74.2 million but \$125 million (although even that ceiling has been exceeded by \$21.4 million, so that the total military assistance program ceiling for fiscal year 1970 was not \$74.2 million but \$146.4 million). We were also told that as a result of "recent messages from Washington," the fiscal year 1971 ceiling had been increased to \$162.2 million, and the fiscal year 1972 ceiling to \$252.1 million.

The explanation which we were given for the increase in total program for fiscal year 1972, which is double the original estimate of the new funds needed, was the sharp increase in fighting and the rising cost of am-

munition and ordnance. According to figures given us in Vientiane, these ammunition and ordnance costs were \$79.4 million in fiscal year 1970, declined to \$51.7 million in fiscal year 1971, but rose to \$136.3 million in fiscal year 1972. Of that \$136.3 million, the Royal Lao Air Force is to receive \$[deleted] million (compared to about half that amount in fiscal year 1971), and the irregulars will require an addition [deleted] million worth of ammunition. Incidentally, the other most noticeable change in the program between 1970 and 1972 is the rise in operating costs of the Lao Air Force from \$74.3 million in fiscal year 1970 to [deleted] million in fiscal year 1972, reflecting costs of the [deleted] T-28s to be provided the Lao by the end of this calendar year.

Military assistance costs are thus rising steeply, as they have throughout the program. According to the figures we obtained in Vientiane, the cost of the military assistance program when it began in fiscal year 1963 was \$11.9 million. That cost rose to \$21.4 million in fiscal year 1964, \$40.8 million in fiscal year 1965, \$59.7 million in fiscal year 1966, \$80.8 million in fiscal year 1967, \$79.4 million in fiscal year 1968, \$90.4 million in fiscal year 1969, and—as explained above—\$146.4 million in fiscal year 1970, \$162.2 million in fiscal year 1971, and \$252.1 million in fiscal year 1972. The cost of military assistance thus doubled every year between fiscal year 1963 and fiscal year 1965, doubled again between fiscal year 1965 and fiscal year 1967, and in fiscal year 1972 it will be more than three times as large as it was in fiscal year 1967 (and 25 times as large as it was when it began 9 years ago).

The military assistance program is designed to support a Defense Department "force goal" recently increased from [deleted] to [deleted]. As noted above, Royal Lao Army and Air Force strength is now [deleted].

The Royal Lao Air Force has some [deleted] T-28s, [deleted] C-47s, [deleted] H-34 helicopters, and [deleted] small O-1 and U-17 aircraft. It is "authorized" [deleted] T-28s. The rate of loss of T-28s has been about [deleted] a year, although in this fiscal year almost that many have already been lost. As noted above, [deleted] new T-28s are scheduled to be provided between now and December, although 10 of these will go to the Thai Air Force and replace the 10 now on loan from that program.

The logistical functions of the military assistance program are administered in Laos by the AID Requirements Office rather than by a MAAG as would normally be the case. This device is used in order to maintain the appearance of U.S. compliance with the prohibition against foreign military advisory personnel contained in the 1962 Geneva Agreements. The Requirements Office has 34 U.S. direct hire employees, all of whom are former military personnel but are now AID employees; 24 third country nationals; 93 local employees; and 65 Filipinos under contract to Eastern Construction Co. In addition, there are three Defense Department employees, 18 U.S. dependents three local employees, and 24 Filipinos under contract to the Eastern Construction Co. who run an English language school for Lao military personnel. We did not have the chance to hear how Lao who have been taught English by a Filipino use the language, but those who have say the end product is often quite unique.

The Requirements Office has regional offices in each military region where liaison work is done with the Army and the Air Force. We were told that there is not much emphasis in the Requirements Office operation on end-use checking because, it was stated to us, a Presidential waiver has been granted. (In Cambodia, on the other hand, we had been told that there has been no such waiver, and end-use requirements thus continue to be used as a justification by the Defense De-

partment in arguing for an increase in the size of the Military Equipment Delivery Teams and more direct control over the military assistance program by CINCPAC.)

In addition to the Requirements Office personnel, Army Attaché personnel also work with the Lao Army and Air Force in the military regions. Of the 127 authorized Army Attaché personnel, 24 are assistant Army Attachés stationed in the five military regions working with Royal Lao Army units. In addition to gathering information and doing some end-use checking, they perform what seems to amount to an advisory function. One officer from the Army Attaché office is permanently detailed to USIS where his job is to "publicize the Lao Government to the Lao people." Incidentally, these Army personnel wear uniforms in the field and are referred to by rank. The Air Force personnel in the Air Operations Centers do not wear uniforms, are called "Mister" and say they are with the AID Mission if asked.

#### VI. CIA activities

##### A. Lao Irregular Forces

The most effective military force in Laos is not the Royal Lao Army, but the force known previously as the Armée Clandestine, then as the SGU (for Special Guerrilla Units) and now as the BGs (for the French term *Bataillons Guerriers*). The BG units are part of the irregular forces which are trained, equipped, supported, advised, and, to a great extent, organized by the CIA. The BG units have become the cutting edge of the Lao military forces, as one U.S. official put it. The Royal Lao Army forces are concentrated near centers of population, lines of communication, depots, and airfields and in fact 3,000 members of the Army, or over 5 percent of the force, is tied up in straight guard duty.

Royal Lao Army units are all controlled by individual military region commanders who are frequently likened to warlords. We were told that Vientiane authorities are thus not at liberty to move them from one region to another as the overall military situation may require. Apparently each such move requires negotiation with regional authorities. The BG units, because of the American connection, are relatively free from such constraints. We were told, for example, that at the outset of the recent crisis in Luang Prabang, the Prime Minister asked for irregular units to defend the capital. The request was refused, and the Prime Minister was compelled to negotiate with the regional commanders in order to increase the forces around Luang Prabang. The Prime Minister's success in this negotiation was cited as an indication of a growing sense of national responsibility on the part of regional military and political figures or, at least, as a manifestation of their devotion to the king.

In addition to the greater flexibility with which they may be used, the irregular forces are considered by American officials to be better disciplined and more capable of conducting independent unit operations. It is the BG units that do most of the day-to-day patrolling, ambushing, and attacking throughout the country. As for other irregular units, [deleted], self-defense units organize the defense of villages and commando teams go out to destroy trucks and supplies and ambush troops.

All of those in the BG units are volunteers (referred to by the Americans in charge of the programs as "assets") with the exception of some 1,500 cadre personnel and officers from the Royal Lao Army. The CIA supervises the operation closely and claims that, [deleted], the irregular units receive the rations and pay due them. Also unlike the Royal Lao Army, they are guaranteed evacuation by Air America helicopters and subsequent medical care, which for at least some of them is in a U.S. field hospital at the Royal Thai Air Force base at Udorn, Thailand. CIA "Case

Officers" supervise the training and advise on operations of these irregular units, but we were told that they do not accompany them on operations.

BG units and other supported paramilitary and intelligence units exist not only in Military Region II, where they first began as a force of Meo tribesmen under General Vang Pao, but in every military region, except Military Region V around Vientiane. There are [deleted] in Military Region I, [deleted] in Military Region II, [deleted] in Military Region III, and [deleted] in Military Region IV. About 38 percent of irregulars are thus in Military Region II. In fiscal year 1967, the irregular forces totaled 37,800. Their strength rose to 39,800 in fiscal year 1969, but then dropped to present totals by March of this year. The authorized force level for U.S. support is [deleted]. The size of the irregular forces has been reduced since fiscal year 1969 because of attrition, principally desertion, heavy casualties, and the financial restraints incurred by budgetary limitations. We were told that the costs of these forces have gone up as increased combat activity resulted in the expenditure of more ordnance and because of the necessity to rely more and more on air transport as more Lao territory has fallen under enemy control. The CIA budget for the Lao irregulars was [deleted] million in fiscal year 1969. This year, we were told in Vientiane, it is expected to be about \$[deleted] million. This figure does not include the costs connected with the Thai irregulars.

##### B. Thai Forces

At the time of our visit to Long Tieng on April 28, there were [deleted] Thai there, at the nearby base of Sam Thong, and at Hill 1563 near Sam Thong. (There was also a small Thai team of [deleted] men at Nam Yu in Military Region I.) The Thai irregulars are under [deleted] and the overall command of General Vang Pao, Commander of Military Region II. Of these [deleted].

Most of the irregulars have been recruited, we were told, as a "volunteer force" outside the Thai Army, although [deleted]. The Thai irregular program developed during the past year and was designed by the CIA specifically along the lines of the irregular program in Laos. The CIA supervises and pays for the training of these irregulars in Thailand and provides their salary, allowances (including death benefits), and operational costs in Laos. We were told that the details of the funding were not known in Vientiane, as all of this bookkeeping is done in Washington. We were also told, however, that some of the funds probably come from the Defense Department budget. The pay and allowances of the Thai irregulars are said to be less than those of regular Thai Army personnel [deleted]. The Thai irregulars are transported from Thailand to Laos by Air America and are returned to Thailand when their tours are up again by Air America. We were told that the Embassy wanted to [deleted] the [deleted] with [deleted] because the [deleted] were more mobile and thus "could do things the others could not do." As for the future, [deleted]. The need for Thai "volunteers" results from the fact that the military manpower base in Laos is estimated to be 114,765 and the Lao Army, neutralist army, irregulars and Pathet Lao all must draw from this base which is now exhausted. (General Vang Pao's forces, for example, have suffered 3,272 killed and 5,426 wounded since 1967; as a result 40 percent of his forces are no longer Meo but Lao Thung). Thus additional military manpower can only come outside Laos. Estimates of the number of additional [deleted]. We also understand that there have been intermittent discussions regarding the possibility of [deleted].

Incidentally, we asked what motivated Thai to volunteer for the irregular forces in Laos in light of the heavy losses they have

suffered. We were told that the principal motivation was [deleted].

C. [Deleted]

D. Secrecy

The irregular force camps continue to be kept behind a barrier of strict official secrecy. This applies particularly to the principal camp at Long Tieng. Reporters are not permitted on either Air America, Continental, Laos Air Force, or civilian planes which land, or which even might land, at Long Tieng airport, the only means of reaching the camp. Every nonofficial American or Lao who wishes to fly to Long Tieng must have written permission from General Vang Pao, and passengers are checked both getting on and getting off planes. In fact, a few chosen reporters have been allowed to visit Long Tieng but they have been sworn to secrecy.

The principal arguments we heard for the need to continue to maintain secrecy were these: first, that General Vang Pao does not want to allow the press to visit because his military security would be compromised; second, that if reporters were permitted to visit Long Tieng, they would concentrate on the role of the United States, overlooking Vang Pao's contribution; third, that CIA is a clandestine organization not used to operating in the open and that its operations in other parts of the world might be compromised if the techniques and individuals involved in Laos were to become known; fourth, that were U.S. activities publicized, the United States would be accused of violating the Geneva Agreements of 1962 and it would thus be more difficult to re-establish the Geneva Agreements as a framework for a future settlement in Laos; and fifth, that the details of the Thai presence would become known which would [deleted].

#### VII. The AID program

The total Lao budget for this year is 18.3 billion kip or \$36.6 million. The estimated total of U.S. economic assistance to Laos in fiscal year 1971 is \$52.036 million, a total that has been about the same since fiscal year 1969 when it dropped from the higher totals of fiscal year 1967 and fiscal year 1968.

The scope of the AID program covers virtually every aspect of Lao civil administration. As a publication of the AID Mission in Laos states, there are 24 broad projects involving various fields, 145 activities going on to implement these programs, and some 550 different individual jobs.

The broad categories of the AID program are economic stabilization (the Foreign Exchange Operations Fund which offsets the effect of the Lao Government's budget deficit), programs related to security (such as assistance to refugees, medical assistance, and air transport), the maintenance of governmental services (such as hospital operation, dam repair, school building, teacher training, public administration, police training, and highway maintenance), social infrastructure (such as education and nurse training), and economic development (such projects as rice production, fisheries, agricultural research, irrigation, power, industry, and roads).

Points of interest from the AID publication "Facts on Foreign Aid to Laos":

(a) The government obtains 90 percent of its foreign exchange from the Foreign Exchange Operation Fund. Contributions to the fund totaled \$22.4 million in 1969, the last year for which figures were published, of which the United States contributed between \$16.1 million and \$18 million, depending on which set of AID figures is accepted. At a minimum, in any case, the United States contributed 72.5 percent of the foreign exchange provided. The other contributors were Japan with \$2 million, France with \$1.7 million (although it is said that the French have a special arrangement with the Fund

which permits them to remove foreign exchange so that their contribution is often less than it appears to be), the United Kingdom with \$1.7 million, and Australia with \$0.7 million. When the Fund was originally established in 1964, with a total contribution of \$7.8 million, the United States provided 51.3 percent of the total. That percentage has gradually increased and has been over 70 percent since 1967.

(b) The Lao have recently had to expend an estimated \$4.5 million in foreign exchange each year to import rice, the production of which began to decline in 1960.

(c) Exports were valued at \$2 million and imports at \$42.2 million in 1969. The United States was the principal source of imports in the first half of 1970, providing about 34 percent of total imports, followed by Indonesia and Thailand, each with about 19 percent, Japan with 11 percent, and France with 9 percent. Since independence, the trade deficit of Laos has always been financed by foreign economic assistance. In 1969, 67 percent of the country's imports were financed by the Commodity Import Program of the United States and by the Foreign Exchange Operations Fund.

(d) Lao budgetary expenditures for security last year equaled total government receipts.

(e) Over two-thirds of budget revenues are derived from customs duties and more than half of this sum comes from duties on gold. Direct taxes provide less than 10 percent of the total revenue.

(f) The literacy rate in Laos is 20 percent compared to 41 percent in Cambodia, 60 percent in South Vietnam, and 68 percent in Thailand.

(g) The United States has constructed or improved 3,272 kilometers of road, which is slightly less than half of the total road network of 6,392 kilometers of asphalt, gravel, or laterite and earth roads in Laos.

(h) In any given year 25,000 to 30,000 people become refugees in Laos. The Royal Lao Government estimates that since 1964 over 600,000 people have been displaced by the war. The number of refugees "supported by the government," to use the phrase found in the AID publication, rose from about 108,000 in January 1963 to 275,000 in January 1970 and declined somewhat by May 1 to 257,800. (While refugees depend on the government for support, the government in turn depends on the United States for support. In fiscal year 1971, the United States provided \$17.3 million for refugee relief. U.S. aircraft drop approximately 50 tons of rice each day at a total of 120 drop sites for refugee use, and at an air delivery cost of \$58 a ton which is about equal to the original price of the rice, and the Public Law 480 food donation has risen from 3,700 metric tons in fiscal year 1968 to 9,800 in fiscal year 1971.)

(i) AID has constructed 76 percent of the total number of elementary classrooms in Laos, 100 percent of the teacher training schools, and 22 percent of the secondary schools. In all, 88 percent of the students enrolled in schools in Laos attend schools which have received U.S. assistance.

(j) Economic assistance from other countries has been at an annual amount considerably less than that contributed by the United States. The Nam Ngum Dam is described in the AID publication as a regional project implemented under the auspices of the Mekong Committee and financed by grants from a consortium of nine donor nations. The donations total \$28.6 million, but of this amount the United States has contributed \$15.6 million. The Asian Development Bank has granted Laos \$250,000 for a feasibility study of agricultural activities and a \$973,000 loan for an irrigation project. The total assistance from U.N. agencies amounted to \$968,000 in calendar year 1970. France, which contributes the second largest amount

of foreign assistance to Laos, is now giving between \$6 and \$7 million a year, most of it for technical and educational institutions. British assistance has dropped from a previous high point of \$6 million to about \$2.5 million annually, of which \$1 million is the British contribution to the Foreign Exchange Operations Fund. Japan provided, in 1970, \$1.7 million to the Foreign Exchange Operations Fund, \$500,000 worth of agricultural equipment and \$30,000 worth of humanitarian assistance for refugees. Australian assistance had reached an annual level of \$1.2 million by 1970 including a \$100,000 contribution to the stabilization fund. West Germany has loaned the Royal Lao Government 6 million DM for the Vientiane power distribution system. Canada, Thailand, New Zealand, and India have provided lesser amounts of assistance.

In addition to its own activities in Laos, AID provides support for both CIA and the military assistance program. The AID food distribution program, for example, feeds irregular military units as well as their families who often are nearby in refugee camps. Until recently, this program had also been totally funded by AID, but it is now funded almost entirely by the Defense Department. As noted earlier, both the air operations branch and the Requirements Office of AID are heavily involved in military programs. While visiting Savannakhet we learned that the airport which was being dedicated that weekend as an AID public works project had, in fact, been funded from Department of Defense appropriations.

#### VIII. Miscellaneous points

A. In the subcommittee hearings in 1969, the number of U.S. personnel as of September 30 totaled 891. Of this total, 558 were so-called direct hire and 333 were contract personnel. In his speech of March 6, 1970, the President gave a total of 1,040 consisting of 616 direct hire and 424 contract. The figures we were given total between 1,143 and 1,231. Every set of figures we received, and they were given to us several times in the course of our stay, showed 613 direct hire, but the number of contract personnel varied from 480 to 568. We noticed that the number of Air America personnel was now somewhere between 276 and 415. The figures we were given covered the full range. The figure we were given for direct hire AID employees ranged from 330 to 395. It seemed clear to us that there is considerable confusion in accounting for the number of Americans in Laos, and that the various categories of people are shifted to keep the numbers as low as possible. In all fairness it should be said that the highest version of various categories include CIA personnel who must be hidden in various components of the mission staff, which may well account for some of the confusion, and that the various contract arrangements also make it difficult to categorize some personnel.

B. The mission does not seem to have made much of an effort to keep a record of what factors have been responsible for "generating" refugees. As a result, they are unable to provide proof to counter allegations that most refugees are generated by U.S. bombing. Some of the officers who work in the refugee affairs section of AID, many of whom have been in the country for years, estimate that between 2 to 5 percent are due to the bombing. They say that the rest of the refugees have come out because of their dislike of the North Vietnamese and their fear of general military activity, the most dreaded aspect of which is the bombing. They also say that in the northeast about 30 percent of the population has chosen to remain in Pathet Lao territory while 70 percent has spot surveys that have been conducted tend left. On the other hand, the few on-the-spot put more weight on either the experience



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of bombing, or the fear of bombing, as a reason for moving. Certainly that was the principal reason given by a group of refugees with whom we talked outside of Seno, only a few miles, incidentally, west of Dong Hene captured by the enemy 10 days after we left Laos.

Those who work most closely with the refugee problem are particularly concerned about the fate of the refugees from the tribal areas, such as the Meo. There appears to be little prospect of these people returning to their native areas, and although they have paid a heavy price in lives to defend their homelands against the North Vietnamese—thereby defending the capital and the Vientiane plain as well—the minority people continue to be looked down upon by the ethnic Lao who control the Government. Some Americans believe that the situation of the minority peoples pose a potentially serious problem as more of them come to recognize what little security the government in Vientiane affords to them.

C. The Embassy in Vientiane told us that the latest figures that they have for U.S. personnel missing in Laos as of January 19, 1971, showed 232 U.S. personnel, including one Air America pilot, missing since April 1, 1965. There is no firm evidence, according to CIA, that any of these men are being held prisoner in Laos by either the North Vietnamese or the Pathet Lao. The Pathet Lao representative told us that Prince Souphanouvong had stated recently that the Pathet Lao were holding prisoners, including some Americans, and that these prisoners were being held in a safe place. We asked him if a list of the prisoners could be obtained, pointing out that the North Vietnamese had provided such a list. He said that the North Vietnamese had not provided a list until after the bombing had stopped and that the Pathet Lao, similarly, would not do so as long as the bombing continued.

D. The Royal Lao Government is holding 92 North Vietnamese prisoners of war. The number of North Vietnamese prisoners taken has thus been low in proportion to the number killed and wounded. There were 17 prisoners taken in 1968, 15 in 1969, 26 in 1970, and 15 in 1971. Similarly, there have been few North Vietnamese "ralliers"; that is, those who have come over to the other side. These ralliers totaled 17 in 1968, 15 in 1969, 18 in 1970, and two in 1971. By comparison, there were 725 Pathet Lao prisoners taken in 1968, 1,213 in 1969, 412 in 1970, and 144 in 1971. Similarly, there have been far more Pathet Lao ralliers—270 in 1968, 401 in 1969, 174 in 1970, and 239 in 1971. The explanation given for the low number of North Vietnamese prisoners is that the North Vietnamese prefer to commit suicide rather than permit themselves to be captured. We also heard reports, however, that the Lao sometimes shoot North Vietnamese wounded prisoners, especially when Lao forces are in retreat.

Last year there were discussions between the Lao and South Vietnamese governments about turning over North Vietnamese prisoners in Laos to South Vietnam. The decision was made not to do so. The United States took no position in these discussions except to say that it would assist both governments in whatever decision was reached.

E. The table of instructions sent by the State and Defense Departments about our trip asked our Embassies in any country visited to be frank and forthcoming and to avoid confrontation at all costs but stipulated four subjects which were not to be discussed with us. There were: (1) the deployment of nuclear weapons; (2) military contingency plans or military rules of engagement past, present or proposed, including the operational details of joint integrated air defense, (3) the operational details of sensitive operations, the disclosure of which would clearly jeopardize the safety of U.S. forces, and (4) military assistance

program plans and programs beyond fiscal year 1972 (in connection with which the Embassy was instructed to say, if the subject arose, that no decision had been taken beyond 1972). The instructions also said that no documentation should be provided and that if documentation were requested, guidance should be sought from Washington. In summary, the cable noted that our approach "will likely be that of participants in an adversary process."

F. [Deleted.]

#### IX. Future prospects

No one we met in Laos, American or Lao, seems to have a prescription for the future other than to continue to do what is being done now. Some observers pointed out to us that, in the long run, the odds are heavily against defending Laos, given the advantages the North Vietnamese enjoy. These are a 1,300-mile front along which they can attack; short, well-developed and increasingly heavily defended supply lines; a sanctuary largely safe from direct attack; a population 10 times that of Laos; and a larger, more experienced and better motivated army. In their more optimistic moments Lao and Americans, as well as meet western observers, expressed a guarded belief that the Lao will be able to cling to what remains of their territory until the war ends in Vietnam, believing that the war in Vietnam will end in an agreed settlement in which the great powers will participate and that this settlement will lead to a similar resolution of the situation in Laos.

There is a sporadic dialogue between the Pathet Lao and Lao Governments, and a Pathet Lao representative has arrived in Vientiane within the past week to present new proposals. But these new proposals are apparently harder than previous proposals and include a demand for a bombing cessation throughout Laos—not just in parts of Laos, as previous demands—before talks can begin.

Thus, the prospect of negotiations seems slim indeed. In the first place, the Pathet Lao and North Vietnamese are in the strongest military position they have ever enjoyed, and it is difficult to imagine what, from their point of view, they might gain by a compromise which did not bring an end to U.S. bombing of the Trail. In the second place, as long as we continue to provide the Lao with the means for continuing the war, even though at a high cost to us in money and an exorbitant cost to them in lives, and as long as the leaders of Laos see no crucial need to negotiate, the initiative for a political settlement will not come from the Lao. The latest series of attacks all along the line in Laos may, however, force Lao leaders to alter their attitude toward negotiation, particularly if additional American or Thai help is not forthcoming. Finally, as far as U.S. policy is concerned, it is quite apparent that many American officials regard the continued prosecution of the war in Laos as an essential adjunct of our current military strategy in Vietnam because, in their view, it ties down two or more North Vietnamese divisions and permits us to exploit Lao territory to interdict the Trail, thereby buying time for Vietnamization. In this sense, we are indeed using the Lao for our own purposes at an increasingly heavy cost to them in lives and territory. At the same time, U.S. officials also believe that if U.S. air activities in Laos were stopped, the military situation would be even more serious in Military Regions II, III, and IV and that all of Military Region II, including the vital base at Long Tien, could be lost.

The Thai irregulars constitute a new complicating factor, one not yet fully acknowledged by some accustomed to dealing with Laos within the context of an Indochina war. Some observers pointed out to us, however, that it would seem to follow from the presence of these Thai in a key strategic loca-

tion in Laos that the Thai will inevitably be parties to any negotiation with the North Vietnamese, the issue for them being the line demarcating areas of influence in Laos. And in connection with areas of influence, it was pointed out to us that the practical effect of the Chinese road is that the Chinese border has already been shifted southward to encompass a substantial portion of northern Laos.

Both the Royal Lao Government and the United States Government seem to consider themselves tied inextricably to the concept of the 1962 Geneva Agreements. Prince Minister Souvanna Phouma indicated in his conversation with us that he regards these agreements as a commitment on the part of the great powers in general, and the United States in particular, to provide military assistance and financial support. He also seems to view the agreements as a pattern for the future. It is difficult for some observers to see how agreements violated so blatantly, by both parties, can be regarded as a realistic basis for a future settlement when they have not accomplished this end so far. Yet the statement is persistently heard in Vientiane—from both Lao and United States officials—that the Geneva Agreements of 1962 can be implemented after the war in Vietnam is settled or in conjunction with a settlement. And no one seems willing to admit the possibility that there may be no final settlement but merely a continuation of the war in Vietnam, though perhaps at a somewhat reduced level.

If there is no settlement in Vietnam and the war also continues in Laos, Laos will remain a hostage available to the North Vietnamese should they wish to draw American airpower away from Cambodia and South Vietnam, embarrass the United States, threaten Thailand or bring the Chinese into closer involvement. Perhaps the only real protection the Lao have is whatever limits the North Vietnamese wish to place on themselves. Some U.S. officials believe that these limits include not taking over the whole country but continuing to use Lao territory as a supply route while assisting the Pathet Lao as a political—as well as military—force with the final objective of a partitioned Laos in which the eastern portion will be governed by the Pathet Lao and the western portion by a regime not unsympathetic to North Vietnam. Meanwhile, the area under government control shrinks steadily, the cost to the United States rises, the Pathet Lao consolidate their hold on territories no longer under government control and the Lao Government's professed policy of neutralism continues to hang by the single human thread of Prime Minister Souvanna Phouma. He, in turn, seems to be increasingly isolated from other powerful political figures in his country who wish to involve the United States, or the Thai, even further in the defense of what remains of their country, knowing that they cannot possibly defend it themselves.

**THE PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Montana.

(The motion was agreed to, and, at 4:34 p.m., the doors of the Chamber were opened.)

#### AMERICAN INDIANS MUST NOT STOP RUNNING

**Mr. McGOVERN.** Mr. President, American Indians are the poorest of the poor. Our national policy toward the American Indian has been a disgrace. The pattern has been the same with few exceptions. We took their land and confined them to reservations which often could not sustain them. With attention focusing on the problems of the Indians as never be-



gonna close them and lay the blame on us."

Another USW local president, Morros Brummitt, who heads an 11,000-man local at Jones & Laughlin Steel Corp.'s Aliquippa, Pa., mill, says company negotiators warned of such closings. "They said that they had marginal operations and that an unacceptable contract would cause them to phase out some plants or departments," he says. Another J&L local chief quotes company bargainers as saying, "If you force us to put too much money in, it may force us to close down."

Industry officials don't dispute predictions of mill closings. "I know we have some open-hearth capacity that will never come back on again," says one management man. Steel financial analysts agree. "More and more of the old mills are going to be phased out," says one Wall Street source.

Some industry men see a repeat of the cut-backs of the early 1960s, when steel remand slumped after the industry had taken a 116-day strike in 1959. In 1960, for instance, U.S. Steel announced "temporary" closings of steel-making facilities at Donora and Clairton, Pa. Those old Monongahela Valley facilities were "temporarily" idle for about two years—and then were permanently shuttered.

Albert T. Delsandro, who lost his mill job in Donora and now is the mayor there, remembers how it was. "It is a staggering blow to the economy of the town," to have about 1,700 jobs wiped out, he says. "I wish the other steel communities a lot of luck, because it is a tough blow."

In Youngstown, where U.S. Steel last month "temporarily" closed its 2,700-man Ohio Works due to lagging orders, USW local officials were so worried the plant would never reopen that they mobilized some political muscle against U.S. Steel. Responding to their appeals, their Congressman, Charles Carney, confirms that he persuaded Rep. Wilbur Mills, head of the House Ways and Means Committee, to extract a pledge from U.S. Steel chairman Edwin H. Gott that the closing would in fact be temporary. Says Al Wellington, a vice president of the USW local at the Ohio Works: "Now that we have the word of such honorable people (as Messrs. Mills and Gott) we feel we have a chance to start up again."

Besides closely scrutinizing their own operations for possible pruning, at least some steelmakers may begin eyeing each other as merger partners, financial analysts believe. They say that such consolidations may be the only way to save the industry's weakest companies.

"If the National-Granite City deal goes through, I think you are going to find other mergers occurring in the industry," says Ted Gerken, vice president at Laird Inc., a New York-based brokerage house. "It would be very good for the industry, because steel companies all over the world are doing it" and presenting a more formidable competitive threat, he asserts.

A top official of the Steelworkers Union agrees. "I think there may be too many steel companies," he says. "I think you'll see some mergers."

A prospect more threatening to the union, however, is the increased possibility that American steelmakers will try establishing mills abroad. One big steel company looking into the possibility of a foreign mill concedes that anticipation of a major labor cost increase here was one reason for exploring the idea.

Armco Steel Corp. is far along on an investigation of building a mill in Australia that would ship semifinished steel to the U.S. for final processing. "Armco is convinced that good management dictates a move overseas for the production of semi-finished steel," says an executive. This proposition has "passed the 'whether' stage—it's only a question of when such a move will be made," he adds. Though Armco isn't disclosing its timetable, observers believe the

costly labor settlement will increase its interest, and that of other producers, in overseas production. Such a move, of course, would take jobs from the U.S. and threaten losses in the ranks of the USW.

USW officials concede they face a declining membership in the basic steel industry. "There will be fewer steelworkers," says one top official. Mill employment has been dwindling for many years. The steel industry's average number of hourly workers dropped to 403,000 last year from 458,000 in 1965. The USW has been able to offset this drop in its major membership group by enrolling more members in non-steel industries and absorbing some smaller unions; currently, it has more than 1.2 million members.

#### THE DECLASSIFIED SUBCOMMITTEE STAFF REPORT ON LAOS

Mr. SYMINGTON. Mr. President, I ask unanimous consent that a statement released yesterday in connection with the publication of a report on Laos by the staff of the Subcommittee on U.S. Security Agreements and Commitments Abroad be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

#### THE DECLASSIFIED SUBCOMMITTEE STAFF REPORT ON LAOS

I am releasing today the sanitized text of a report, entitled "Laos: April 1971," prepared by the Staff of the Subcommittee on United States Security Agreements and Commitments Abroad. The report, originally classified Top Secret, was presented at an executive session of the Subcommittee on May 21.

Believing that the substance of said report should be brought to the attention of the entire Senate, I subsequently requested, with the concurrence of the Chairman of the Committee on Foreign Relations, a closed session of the Senate to discuss the situation in Laos. This session was held on June 7.

Acting in accordance with the orders of the Senate, the Staff of the Subcommittee then met with representatives of the Department of State, the Department of Defense and the Central Intelligence Agency in order to discuss what portions of the proceedings of this Senate session and the staff report should be deleted for reasons of national security prior to publication.

These discussions began on June 21 and were concluded July 29.

The deletions in the report and in the record of the closed session of the Senate, which I understand will appear in the Record of Tuesday, August 3, are those which the Executive Branch insists are necessary for reasons of national security.

It is an encouraging sign that the Executive Branch has finally agreed that much of what the United States Government has been doing in Laos may now be made public. The veil of secrecy which has long kept this "secret war" in Laos officially hidden from the American people has been partially lifted. We doubt, however, that this veil would have been even partially lifted if the Committee on Foreign Relations had not ascertained for itself the facts concerning American operations in Laos.

In this connection, I note that since the visit of the Subcommittee Staff to Laos in April, at which time they began submitting reports by cable from Vientiane, certain facts have been made public by the Executive Branch which facts were heretofore kept secret from the American people. These include the fact that since early 1970 the United States has been conducting B-52 raids in northern Laos on a regular basis; official confirmation that there are Thai forces in Laos; the fact the United States is paying for these Thai troops; also admission

that, although the only previously publicly announced official expenditure in Laos for Fiscal Year 1971 was approximately \$50 million in economic assistance, the cost of all United States operations in Laos in that Fiscal Year was about \$350 million, exclusive of bombing costs.

Unfortunately there continue to be various facts which the Executive Branch insists must remain classified. In particular, that Branch continues to be unwilling to acknowledge certain truths concerning the nature, composition and command arrangements of the Thai forces in Laos, the costs of which forces are paid for with funds appropriated by the Congress and provided by the American people without their knowledge.

Furthermore, these facts which the Executive Branch continues to refuse to declassify bear on the question of whether past and present arrangements for United States support for Thai forces in Laos constitute a violation of amendments to the Fiscal Year 1971 defense authorization and appropriations acts.

The stated reason for this Executive Branch refusal to declassify these facts is so as to avoid making public what the Governments of Thailand and Laos do not wish to make public. But since the taxpayers of this country are paying the bills, why should the recipient foreign governments have the right to dictate what our citizens can and cannot be told about the way in which public funds are being spent?

If the Administration wishes to continue arguing that the Thai forces now in Laos are "local forces in Laos," it would seem they should produce proof of such an assertion; and at the same time explain their insistence upon suppressing facts which make that assertion highly questionable.

Let us hope that, despite the deletions on which the Executive Branch has insisted, the staff report on Laos will help the American public decide whether it is either wise or desirable for the United States to continue to do what we have been doing in Laos at ever-increasing cost to this nation in dollars, and to the Lao people in lives and territory.

In any case, such a fundamental decision should not be made by a small group of Government officials who operate behind closed doors on the basis of information available only to them—officials who thereupon are free to control what the public shall know of their decisions.

If this democracy is to continue to function with the consent of the governed, it would appear obvious that both the Congress and the public should have as much of the truth as possible about such policies and programs of this Government, especially as the programs in question require hundreds of millions of dollars annually in public money and even more important involve this country both directly and indirectly in armed conflict.

Mr. SCOTT. Mr. President, it is customary to blame whatever President we have for whatever is the state of the economy. I think it would not be amiss for us in Congress to accept a part of that responsibility.

Take the steel settlement. Everyone is talking about the fact that when we increase wages we have to increase the price of steel. We would not have to increase wages and we would not have to increase the price of steel if Congress had not been voting more money than the President asked for, if we had not been anxious to apply a "green poultice" to every ailment, believing that by throwing money up at it we can solve any problem.

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Thus, Congress has participated in the inflationary rise.

Thereupon, union labor asks for an increase in living wages under their right of collective bargaining. Management accedes and then management increases the cost of its product. Then everyone gets up on the Senate and House floors and says, first, that it is the fault of the President and, second, that it is the fault of management.

I submit that is not so much the fault of anyone, but that the effect is due to the operation of labor unions and management and also to the fact that both are impelled to do what they do, because the Government has been increasing the cost of living.

Therefore, I believe that Congress should take a greater share of the blame. Congress should be willing to admit that it should not blame management alone at the expense of labor and exculpate labor; or blame labor and exculpate management. It is a three-legged stool, and we are responsible for the fashioning of the weakest of the three legs.

Mr. SYMINGTON. Mr. President, would the able minority leader yield?

Mr. SCOTT. I yield.

Mr. SYMINGTON. Mr. President, the minority leader knows of the great respect in which I hold him. If his remarks are the result of the short statement I made today, may I say that I do not blame labor primarily. The problem of their leaders is to get enough in the way of a working wage to insure a decent living for their people.

Nor do I blame management primarily. Management is interested in making as much profit as possible. Together they both realize or should realize, that these price increases and wage increases make us even less competitive in foreign markets.

The problem would now appear primarily one for the Government. As to whether it primarily is the problem of Congress or the executive branch, I personally feel it is a problem for the operating leadership of the Government, which is the executive branch.

May I say in this connection that since 1966 I have recommended more fiscal recognition of the problem.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SYMINGTON. And since 1967 more control over prices and wages.

#### TRIBUTE TO SENATOR STENNIS ON HIS 70TH BIRTHDAY

Mr. GAMBRELL. Mr. President, I take note that on this date in 1901, the distinguished junior Senator from Mississippi (Mr. STENNIS) was born. I know that we all want to extend to the Senator from Mississippi a happy birthday on his birthday today.

Mr. SCOTT. Mr. President, if the Senator would yield, I believe I have the privilege of having known the Senator from Mississippi longer than any other Member of the Senate. I was in school with him. I was next door to him. He is a very dear friend. I do not charge him with holding all of my views. We differ on many issues.

I join with the junior Senator from Georgia in wishing him happy birthday.

Mr. MANSFIELD. Mr. President, I, too, would like to join the distinguished junior Senator from Georgia and the distinguished minority leader in the remarks they have had to make today about the distinguished Senator from Mississippi (Mr. STENNIS).

We differ on many occasions about many issues. However, I have always found him to be a man of honor, integrity, and distinction.

May I say that his great attempt to maintain the Senate amendment in the draft bill was most responsible.

I commend the Senator from Mississippi. He worked hard and carried out the best traditions of the Senate. He tried to carry out the will of the Senate.

I do not always agree with his direction, but he is entitled to credit for what he attempted to do, and he did so with stubbornness and understanding.

The PRESIDENT pro tempore. Is there further morning business?

#### QUORUM CALL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

##### REPORT OF DEPARTMENT OF DEFENSE PROCUREMENT

A letter from the Acting Assistant Secretary of Defense submitting, pursuant to law, the report of Department of Defense Procurement from Small and Other Business Firms for July 1970-May 1971 (with accompanying report); to the Committee on Banking, Housing, and Urban Affairs.

##### INTERIM REPORT FROM THE U.S. METRIC STUDY

A letter from the Secretary of Commerce submitting the seventh in the series of interim reports stemming from the U.S. Metric Study, prepared by the National Bureau of Standards (with accompanying report); to the Committee on Commerce.

##### PROPOSED LEGISLATION RELATING TO BASIC PAY OF THE MASTER CHIEF PETTY OFFICER OF THE COAST GUARD

A letter from the Secretary of Transportation submitting proposed legislation to make the basic pay of the master chief petty officer of the Coast Guard comparable to the basic pay of the senior enlisted advisers of the other Armed Forces, and for other purposes (with accompanying papers); to the Committee on Commerce.

##### REPORT ON THE ACTIVITIES OF THE GEOLOGICAL SURVEY

A letter from the Secretary of the Interior transmitting, pursuant to law, a report on the activities of the geological survey during the period January 1 through June 30, 1971; to the Committee on Interior and Insular Affairs.

##### ANNUAL WELFARE PROGRAM REPORT OF HEW

A letter from the Secretary of the Department of Health, Education, and Welfare transmitting, pursuant to law, a report on the efforts of State public welfare agencies to provide social services to families with de-

pendent children (with accompanying report); to the Committee on Finance.

##### REPORT ON CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, reporting, pursuant to law, on certain bona fide defector aliens (with accompanying papers); to the Committee on the Judiciary.

##### REPORT ON SUSPENSION OF DEPORTATION OF A CERTAIN ALIEN

A letter from the Commissioner, Immigration and Naturalization Service, reporting, pursuant to law, on the suspension of deportation of Vicente Aguilar-Munoz (with accompanying papers); to the Committee on the Judiciary.

##### REPORT ON ADJUSTMENT OF STATUS OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, reporting, pursuant to law, on the adjustment of status of certain aliens (with accompanying papers); to the Committee on the Judiciary.

##### REPORT ON CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, reporting, pursuant to law, on orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of such aliens (with accompanying papers); to the Committee on the Judiciary.

#### PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Appropriations:

##### "SENATE JOINT RESOLUTION 21

"Resolution relative to unemployment insurance

"Whereas, In the San Francisco area alone, 300 postal employees have been laid off and the total is expected to reach 1,000 by May 1, 1971, when the layoff will be completed; and

"Whereas, Federal employees in other categories are also being laid off, and this severance program is being carried out in all California cities, and in all other states of the Union; and

"Whereas, Those federal employees already laid off have applied for their unemployment insurance, but they were refused because the budget item has not been considered yet so there is no money available; and

"Whereas, It requires the permission of the President to have this budget item considered out of order; and

"Whereas, The former federal employees have waited the necessary two weeks before applying for unemployment insurance, their funds are very low, and many of them cannot pay their rent and will have to apply for public assistance either to pay rent or to buy food; and

"Whereas, Federal employees in prior years have repeatedly been compelled to suffer delays in the payment of federal unemployment benefits due to the failure of the federal government to provide the necessary funds; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to allocate moneys to the federal unemployment insurance fund in order that former federal employees, recently laid off, can draw their unemployment insurance compensation; and be it further

"Resolved, That the Legislature of the